

# Cambodia Fundamental Freedoms Monitor

Second Annual Report

April 2017-  
March 2018



The Fundamental Freedoms Monitoring Project



**មជ្ឈមណ្ឌលសិទ្ធិមនុស្សកម្ពុជា**  
Cambodian Center for Human Rights



**សមាគមអាជ្ញាក**  
ADHOC



Supported by:

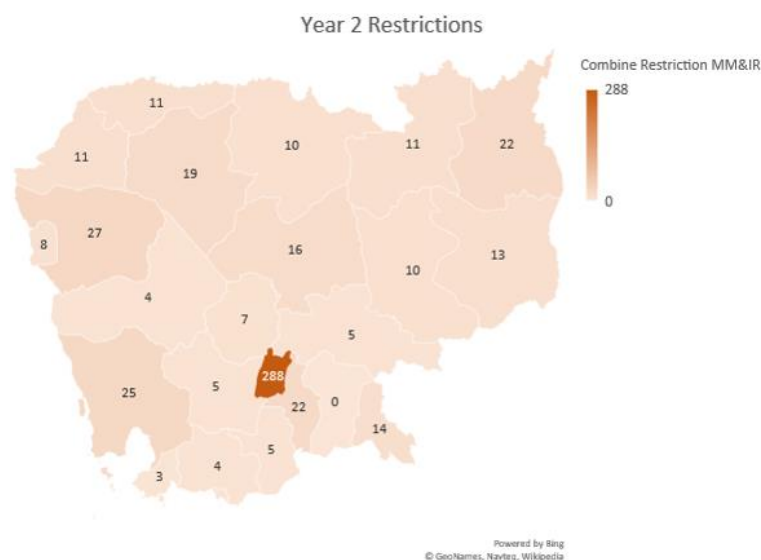
**ICNL**  
INTERNATIONAL CENTER  
FOR NOT-FOR-PROFIT LAW

## Executive Summary

The Fundamental Freedoms Monitoring Project (FFMP) examines the state of the freedom of association, freedom of expression and freedom of assembly in the Kingdom of Cambodia (Cambodia). Utilizing a range of monitoring tools, the FFMP aims to provide an objective overview of how these fundamental freedoms are enshrined in law, and protected and exercised across the country.

This report outlines the key findings from the second year of monitoring, 1 April 2017 to 31 March 2018 (Year Two). Year one of the FFMP took place from 01 April 2016 to 31 March 2017 (Year One). The information contained in this report has been compiled using systematically recorded data from several qualitative and quantitative data sources (see Annex 1, 'Methodology'). The FFMP is a joint initiative of the Cambodian Center for Human Rights (CCHR), Cambodian Human Rights and Development Association (ADHOC), and the Solidarity Center (SC), with technical assistance from the International Center for Not-For-Profit Law (ICNL).

Year Two encompassed both the 2017 Commune Council elections and much of the build-up to the 2018 National Election. The FFMP recorded a notable increase in the number of restrictions of fundamental freedoms, from 391 in Year One to 593 in Year Two.<sup>1</sup>



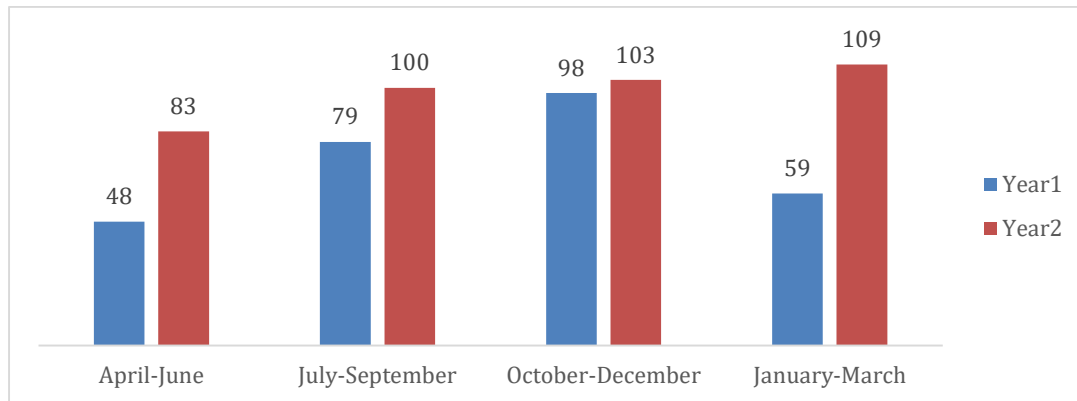
Over three-quarters (76%) of restrictions to fundamental freedoms recorded did not comply with international standards, and therefore amounted to violations (see Figure 1).<sup>2</sup>

<sup>1</sup> Year One of the FFMP recorded overall numbers of restrictions and violations of fundamental freedoms, but did not do so for each fundamental freedom individually. Therefore, while a freedom-by-freedom analysis was conducted in Year Two, there is no directly comparable data for Year One.

<sup>2</sup> The difference between a restriction and a violation of a right is that a restriction can be legally permissible under certain circumstances, while a violation *prima facie* contravenes international legal standards. For example, to determine whether a restriction to speech constitutes a violation, the FFMP examines whether that restriction fails the three-part test outlined in Article 19 of the ICCPR. If the restriction fails the three-part test, it is deemed a violation. Description of the three-part test for freedom of association and freedom of expression

## Fundamental Freedoms Monitoring Project

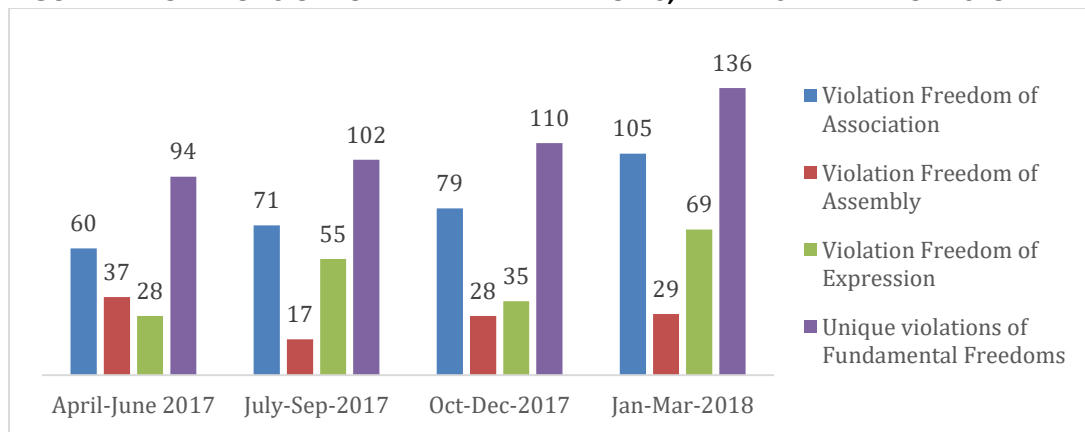
**FIGURE 1: RESTRICTIONS OF FUNDAMENTAL FREEDOMS IN YEAR ONE VS. YEAR TWO**



Source: FFMP Media Monitoring Database, May 2018

Year Two of the FFMP showed a shift in the state of fundamental freedoms in Cambodia, due to: (a) several significant legislative amendments, (b) the systematic and arbitrary application of laws governing fundamental freedoms, and (c) a decrease in the public's ability to exercise fundamental freedoms. Voices deemed critical of government officials and policies were suppressed with increasing frequency and severity, at the national and local levels (see Figure 2).<sup>3</sup>

**FIGURE 2: VIOLATIONS OF FUNDAMENTAL FREEDOMS, APRIL 2017 – MARCH 2018**



Source: FFMP Media Monitoring and Incident Reporting Databases, May 2018

Authorities from the Royal Government of Cambodia (RGC) demonstrated a misunderstanding of fundamental freedoms in 516 incidents (out of 670 total relevant incidents), or 77% of the time (see Figure 3).<sup>4</sup>

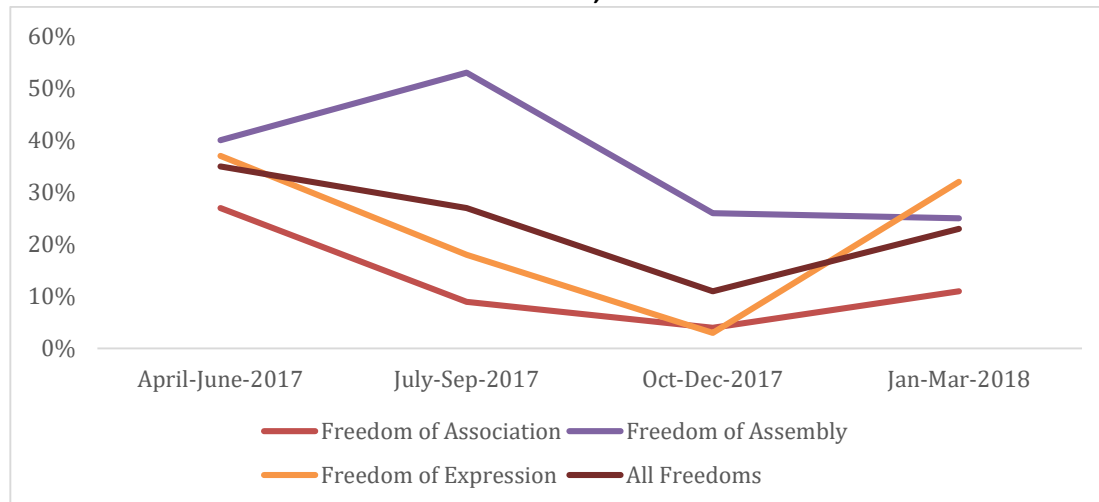
can be found in Sections 2.1 and 2.2 of Key Milestone One. Descriptions of the international legal standards governing permissible restrictions of the freedom of assembly can also be found in Section 2.5 of Key Milestone One.

<sup>3</sup> The figures for “unique” violations represent the total number of incidents recorded in which violations occurred, without any duplication. Figures provided for restrictions and violations of freedom of association, freedom of expression and freedom of assembly do not necessarily represent separate incidents, i.e., one incident may be recorded as a violation of both freedom of association *and* freedom of expression.

<sup>4</sup> When a public statement that relates to fundamental freedoms is made by an RGC official, the FFMP analyzes whether the statement displayed a correct understanding of the international human rights standards relevant to that freedom or a correct understanding of the relevant Cambodian Law. Misstatements of the law are recorded as misunderstandings. See Key Milestone Two, Section 3.2.

## Fundamental Freedoms Monitoring Project

**FIGURE 3: RGC UNDERSTANDING OF FREEDOMS, APRIL 2017 – MARCH 2018**



Source: FFMP Media Monitoring Database, May 2018

### **Freedom of Association**

The freedom of association was curtailed throughout Year Two through a combination of new amendments to the legal framework, an increase in surveillance and monitoring of association activities, and a surge in sanctions against political parties and civil society organizations (CSOs).

The legal framework governing freedom of association underwent significant changes during Year Two (see Key Milestone One), including:

1. The Constitution of the Kingdom of Cambodia (Constitution) and the Law on Political Parties (LPP) were amended to include provisions that violate international standards for fundamental freedoms by restricting the rights of individuals and groups to associate and speak freely, and by restricting the right to vote.
2. The Ministry of Interior (Mol) issued a letter in October 2017 that installed a prior notification regime, requiring all CSOs to notify local or national authorities before carrying out any activities, and empowering authorities to ban activities on broad and vague grounds. This prior permission regime violates international human rights law and standards,<sup>5</sup> and has no legal basis in any domestic law, including the Law on Associations and Non-Governmental Organizations (LANGO).

<sup>5</sup> In this report, "international human rights law and standards" refers to international human rights law and standards related to fundamental freedoms, namely freedom of association, freedom of assembly, and freedom of expression, derived from the international treaties to which Cambodia is a party. Article 31 of the Constitution of Kingdom of Cambodia gives constitutional status to the human rights contained in the United Nations Charter, the Universal Declaration on Human Rights (the UDHR), and the covenants and conventions related to human rights, women's rights and children's rights. The decision of Cambodia's Constitutional Council on 10 July 2007 authoritatively interpreted Article 31 of the Cambodian Constitution as meaning that international treaties ratified by Cambodia are directly applicable in domestic law. See Constitutional Council of the Kingdom of Cambodia, Decision No. 092/003/2007 (10 July 2007). The treaties ratified by Cambodia include *inter alia* the International Covenant on Civil and Political Rights (the ICCPR), the International Covenant on Economic, Social and Cultural Rights (the ICESCR), the Convention on the Elimination of all Forms of Discrimination Against Women (the CEDAW), and the Convention on the Rights of the Child (the CRC). In addition to these treaties, the FFMP also uses international standards as interpreted by the United Nations (UN) Human Rights Committee, and by UN Special Rapporteurs.

## Fundamental Freedoms Monitoring Project

The FFMP recorded 182 incidents in which RGC supervision of a CSO violated international standards.<sup>6</sup> In many cases, authorities interrupted associations' meetings, trainings, protests, or celebratory gatherings.

The FFMP's Trade Union Registration Evaluation Tool recorded the experiences of 72 trade unions as they attempted to register under the Trade Union Law (TUL). The Evaluation Tool revealed that many trade unions were confronted with complex and time-consuming bureaucratic requirements that hindered their ability to register quickly and efficiently; 81.08% of the 72 trade unions noted they did not find the registration form easy to complete.<sup>7</sup> Of these 72 trade unions, 33 trade unions were successfully registered, while only two had their applications rejected. The remaining 37 applications were still pending at the end of Year Two.

### ***Freedom of Expression***

The freedom of expression also came under sustained pressure during Year Two, with new legal restrictions on speech, increased self-censorship, and the sanctioning and closure of many independent media outlets.

The Criminal Code of the Kingdom of Cambodia (Penal Code) was amended to include Article 437 *bis* – the '*lèse majesté*' article – which criminalizes all expression deemed insulting to the King, with harsh penalties for perpetrators. Article 437 *bis* violates Cambodia's international human rights obligations.

20% of CSO/TU leaders reported "always" feeling it is necessary to censor themselves when speaking in public – up from 8% in Year One (see Figure 4).<sup>8</sup>

---

<sup>6</sup> See Key Milestone 1, Section 2.1.

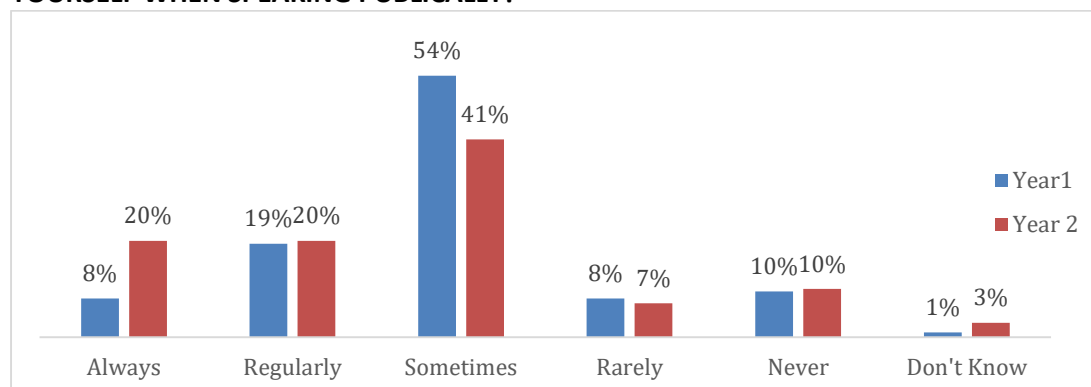
<sup>7</sup> The Trade Union Law (TUL), adopted on 4 May 2016, contains burdensome mandatory registration requirements, which restrict the ability of unions to carry out their activities. Article 15 of the TUL provides that the procedures for application for registration will be defined by the Minister of Labor and Vocational Training in a Prakas. Prakas 249 on Registration of Worker Organizations Trade Unions and Employer Associations was issued on 27 June 2016 and sets out how a union applies for registration. It provides a list of seven reasons why a Trade Union's registration application may be denied. Several of these reasons are vague and could be used to arbitrarily deny registration, such as if the goal or objective of the union/association "will not protect or promote rights and benefits to the individual," or "the scope or subject of the trade union or employer association is unclear which can mislead the public." These grounds are both excessively broad and open to subjective interpretations by the official concerned, creating a risk that they will be applied inconsistently.

Prakas 249 also requires leaders of trade unions or employer associations to provide a thumb-printed declaration that they can read and write Khmer, and that they have never been convicted of a misdemeanor or felony, thereby excluding persons who are illiterate or have been previously convicted of any minor crime, such as, for example, obstructing a public road. This is particularly concerning in Cambodia, because union leaders and members of civil society have been subject to spurious criminal charges because of their activism. For these reasons, registration requirements under the TUL cannot be said to meet international best practices. See also CCHR, ADHOC, SC 'Fundamental Freedoms Monitoring Project – First Annual Report', (August 2017), page 4, available at: <https://cchrcambodia.org/admin/media/report/report/english/2017-08-10-CCHR-FFMP-Annual-Report-Eng.pdf>.

<sup>8</sup> Self-censorship is an indication of the ability of citizens to exercise their freedom of expression. High percentages of self-censorship demonstrate an environment where people (in this case CSO and TU leaders) feel unable or are unwilling to speak freely.

## Fundamental Freedoms Monitoring Project

**FIGURE 4: "IN THE LAST YEAR, HOW OFTEN HAVE YOU FELT IT NECESSARY TO CENSOR YOURSELF WHEN SPEAKING PUBLICALLY?"**

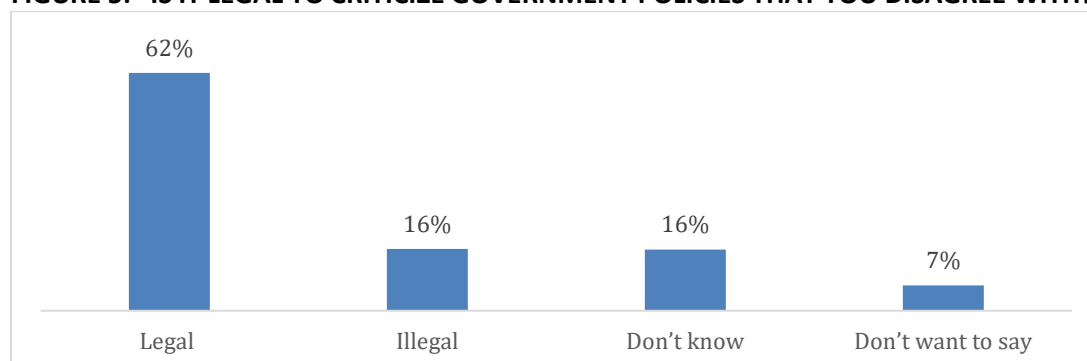


Source: FFMP CSO/TU Survey, December 2017

In addition, over 43% of CSO/TU leaders reported that they believed their CSO's private communications were being monitored by the RGC, despite domestic legal safeguards.<sup>9</sup>

The Public Poll revealed that only 67% of the Cambodian public believed it was legal to discuss politics with others, and only 62% believed it was legal to criticize government policies (see Figure 5). However, both forms of speech are legal under domestic law and protected by the Constitution.

**FIGURE 5: "IS IT LEGAL TO CRITICIZE GOVERNMENT POLICIES THAT YOU DISAGREE WITH?"**



Source: FFMP Public Poll, March 2018

Thirty-two FM radio frequencies carrying critical content were taken off the air in August – September 2017. *The Cambodia Daily* shut down and Radio Free Asia closed its Phnom Penh bureau during this two-month period.

Throughout Year Two, the RGC paid increased attention to social media commentary, leading to a corresponding increase in violations of freedom of expression for online speech. From April – June 2017, 25% of all recorded violations of the right to freedom of expression related to online speech; this proportion increased to 27% in July – September 2017, but dropped to 23% in October-December 2017 and 14% in January – March 2018 (see Figure 6).<sup>10</sup>

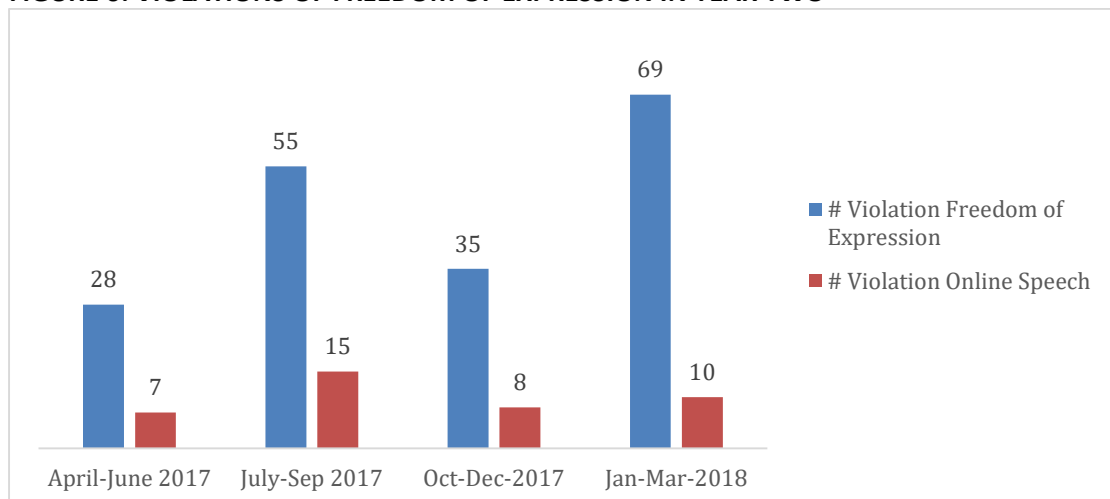
<sup>9</sup> See CSO/TU Leader Survey, Annex 4, paragraph 5.9.

<sup>10</sup> The total number of violations of freedom of expression rose from 28 in Quarter Three (Oct – Dec 2017) to 62 in Quarter Four (Jan – March 2018), accounting in part for the large drop in the percentage of violations of freedom of expression online.



## Fundamental Freedoms Monitoring Project

**FIGURE 6: VIOLATIONS OF FREEDOM OF EXPRESSION IN YEAR TWO**



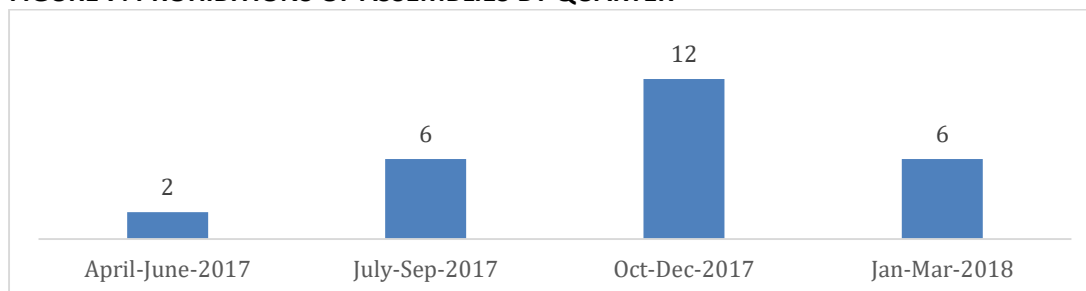
Source: Media Monitoring and Incident Reporting Databases, May 2018

### ***Freedom of Assembly***

The freedom of assembly continued to be suppressed in Year Two. Though the legal framework that governs assemblies largely complies with international human rights law and standards, arbitrary restrictions on freedom of assembly were prevalent throughout the Year Two.

The FFMP recorded twenty-six prohibitions of assemblies by the RGC in Year Two.<sup>11</sup> There was an increase in the RGC prohibiting assemblies from October 2017 – March 2018, and particularly in late 2017. Many of the assemblies prohibited in this time period related to the dissolution of the CNRP and attempted or planned assemblies surrounding Kem Sokha’s arrest, questioning, and trial.

**FIGURE 7: PROHIBITIONS OF ASSEMBLIES BY QUARTER**



Source: FFMP Media Monitoring Database, May 2018

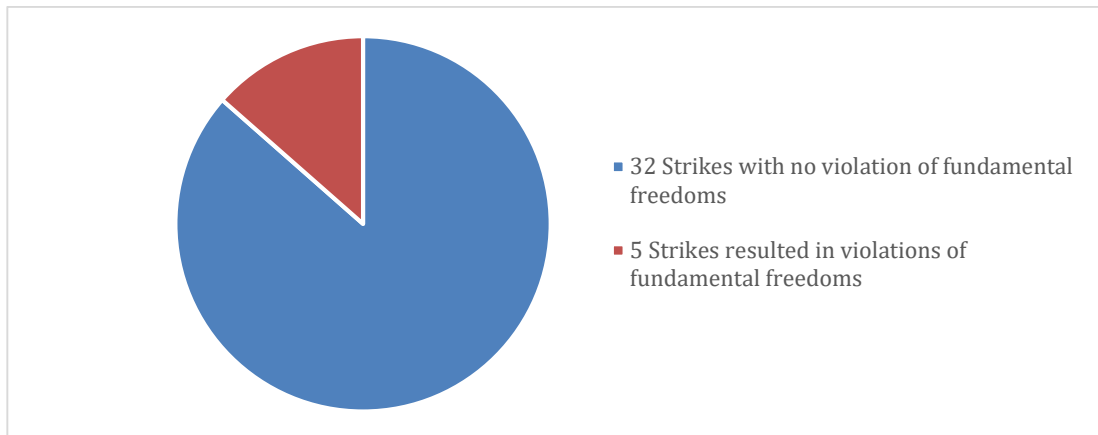
Thirty-seven strikes were recorded in Year Two. Five of these strikes resulted in violations of fundamental freedoms (see Figure 8).<sup>12</sup>

<sup>11</sup> The number of requests for assemblies is not known at this time.

<sup>12</sup> The FFMP records strikes via Media Monitoring and Incident Reports. See Key Milestone 2, Section 3.14 for detailed information on the types of violations.

## Fundamental Freedoms Monitoring Project

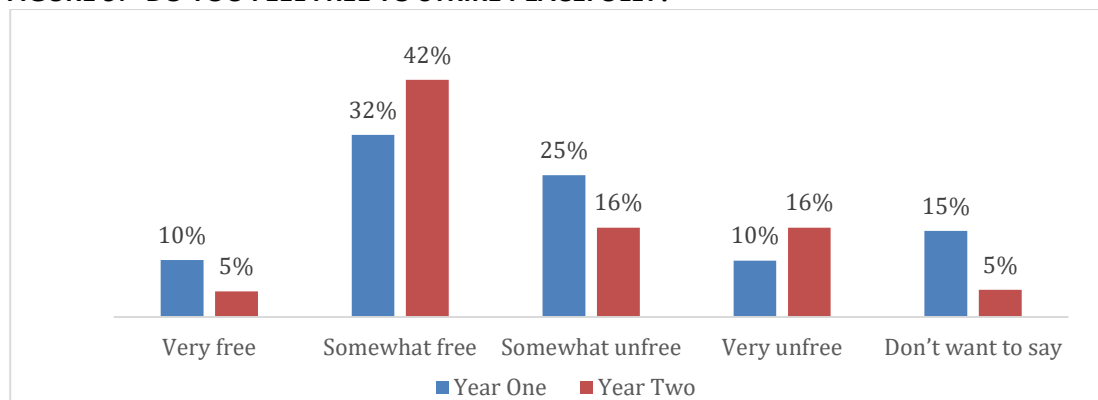
**FIGURE 8: STRIKES RESULTING IN VIOLATIONS OF FUNDAMENTAL FREEDOMS**



Source: FFMP Media Monitoring Database, May 2018

The number of Public Poll respondents who reported feeling free to strike and/or demonstrate against their employer decreased from Year One to Year Two (see Figure 9).

**FIGURE 9: “DO YOU FEEL FREE TO STRIKE PEACEFULLY?”**



Source: FFMP Public Poll, April 2017 and March 2018

There were seven cases of state use of force at land protests, none of which complied with international standards. Many legal actions were recorded in respect of these incidents: six individuals were arrested, 34 were summonsed, 48 were detained, and 63 were questioned.

The full findings from Year Two are presented in the following sections of the narrative report and its accompanying appendices. The findings analyze the legal framework for fundamental freedoms (Key Milestone One), the extent to which relevant laws and policies are properly implemented (Key Milestone Two), the public's knowledge of and ability to exercise fundamental freedoms (Key Milestone Three) and the extent to which civil society, including trade unions, are viewed as competent and legitimate development partners (Key Milestone Four).



## Contents

Executive Summary.....	i
1. Introduction .....	1
2. Key Milestone 1: Does the legal framework for fundamental freedoms meet international standards?.....	3
2.1 The new prior notification regime for all CSO activities contravenes international standards for the freedom of association .....	3
2.2 The ‘lèse majesté’ amendment to the Criminal Code impermissibly restricts freedom of expression .....	4
2.3 The 2018 amendments to the Constitution pose a threat to fundamental freedoms .....	5
2.4 The July 2017 amendment to the Law on Political Parties violates freedom of association .....	7
2.5 The Cambodian legal framework regulating the state use of force at assemblies complies with international human rights law and standards .....	8
2.6 Lack of independent oversight of communications surveillance under Cambodian law violates international standards for freedom of expression .....	9
3. Key Milestone 2: Is the legal framework for fundamental freedoms implemented and properly enforced? .....	12
3.1 Increase in restrictions and violations of fundamental freedoms.....	12
3.2 RGC statements frequently demonstrated a misunderstanding of fundamental freedoms .....	13
3.3 Human rights defenders have been targeted for exercising fundamental freedoms .....	15
3.4 Dissolution and deregistration of 32 political parties, including the CNRP .....	16
3.5 Systematic harassment of former CNRP officials, including pressure to defect to the CPP.....	17
3.6 Individuals and organizations accused of participating in ‘color revolution’ subject to monitoring and harassment .....	18
3.7 Excessive RGC oversight of CSO activities.....	19
3.8 Many CSOs unable to meet reporting requirements under LANGO and TUL...	22
3.9 Multiple CSOs sanctioned under LANGO .....	24
3.10 Unions have mixed experiences when attempting to register under Union Law .....	24
3.11 Freedom of expression is increasingly restricted online .....	26
3.12 Media outlets arbitrarily shut down and sanctioned .....	28
3.13 Association leaders increasingly believe their communications are subject to extra-legal surveillance .....	29

## Fundamental Freedoms Monitoring Project

3.14 Strikes and workers' demonstrations sometimes result in employee dismissals, use of force, criminal charges, and injuries .....	30
3.15 Protests over land disputes result in violations of fundamental freedoms ....	30
3.16 Prohibitions of assemblies increased between November 2017 and March 2018 .....	32
4. Key Milestone 3: Do Individuals Understand Fundamental Freedoms, and Feel Free to Exercise Them? .....	34
4.1 The Cambodian public's understanding of fundamental freedoms remains lacking .....	34
4.2 The Cambodian public does not feel fully free to safely impart information to media .....	35
4.3 The Cambodian public's knowledge of domestic laws governing freedom of expression is limited .....	36
4.4 A decreasing proportion of the Cambodian public feels free to participate in political life.....	37
4.5 The Cambodian public demonstrates increased knowledge of domestic legal restrictions to freedom of association.....	38
4.6 Fewer Cambodians feel free to strike and/or demonstrate against their employer .....	40
4.7 Women, retired and older Cambodians feel less free to exercise their fundamental freedoms .....	41
4.8 Confidence in redress for human rights violations has decreased further .....	42
5. Key Milestone Four: Are CSOs and TUs recognized by, and can work in partnership with, the RGC? .....	45
5.1 Fewer associations embraced by the RGC as competent development partners .....	45
5.2 The RGC is more open to partnerships with CSOs than with trade unions.....	46
5.3 CSO and TU Leaders displayed limited awareness of opportunities for public financing and participation in RGC panels and committees.....	47
Conclusion.....	49
Annex 1 – Methodology and Data Collection .....	50
Section 1: Methodology .....	50
Section 2: Data Collection Methods .....	51
Annex 2 – FFMP Results Table .....	55
Annex 3 – FFMP Public Poll 2018: Questions and Results.....	77
Annex 4 – CSO/TU Leader Survey Questions and Results .....	87

## 1. Introduction

The FFMP began on 01 April 2016.<sup>13</sup> CCHR, SC and ADHOC, jointly referred to as ‘the Monitoring Team’, carry out the FFMP by utilizing the Monitoring and Tracking Tool (MTT)<sup>14</sup>. The second year of monitoring, or Year Two, began on 01 April 2017 and ended on 31 March 2018. Year Two was comprised of quarterly reporting periods dated as follows: 01 April – 30 June 2017 (First Quarter); 01 July – 30 September 2017 (Second Quarter); 01 October – 31 December 2017 (Third Quarter); and 01 January – 31 March 2018 (Fourth Quarter).

The FFMP is a long-term, multi-year project that examines and evaluates three fundamental freedoms – freedom of association,<sup>15</sup> freedom of expression and freedom of assembly (fundamental freedoms)<sup>16</sup> – in Cambodia.

The aim of the FFMP is to provide an objective overview of the current state of fundamental freedoms in Cambodia by identifying trends related to the legal environment and the exercise of fundamental freedoms. To achieve this aim, the Monitoring Team designed the MTT to provide a balanced and objective framework for monitoring the state of fundamental freedoms in Cambodia, with a focus on civil society and civic participation. The MTT systematically and objectively assesses whether, and to what extent, the freedoms of association, assembly and expression are guaranteed and accessible in Cambodia.

The MTT is comprised of 92 individual elements that correspond to four ‘Key Milestones’, and examine whether: (1) The legal framework for freedom of association meets international standards (KM1); (2) The legal framework for freedom of association is implemented and properly enforced (KM2); (3) Individuals understand freedom of association and related rights, and feel free to exercise them (KM3); and (4) Civil society organizations (CSOs) and trade unions are recognized and can work in partnership with the Royal Government of Cambodia (RGC) (KM4).

---

<sup>13</sup> The First Annual Report (2016 – 2017) of the FFMP is available here: <https://cchrcambodia.org/admin/media/report/report/english/2017-08-10-CCHR-FFMP-Annual-Report-Eng.pdf>

<sup>14</sup> The MTT was designed to provide a clear and consistent mechanism for monitoring the legal and regulatory framework that governs civil society and civic participation in Cambodia. The MTT was developed by the International Center for Not-For Profit Law (ICNL) in partnership with ADHOC, SC and CCHR. The MTT is envisioned to be the centerpiece of a long-term monitoring project. It has been designed to promote a strong civil society and to enable the peaceful exercise of the freedoms of association, expression and assembly. The MTT was developed in November and December 2015, and was finalized with the assistance of a Monitoring and Evaluation Consultant in March 2016.

<sup>15</sup> This report adopts the definition of ‘association’ used by the Special Rapporteur on the rights to freedom of peaceful assembly and of association. The Special Rapporteur defines ‘association’ as referring to any groups of individuals or any legal entities brought together in order to collectively act, express, promote, pursue or defend a field of common interests. Associations include civil society organizations, clubs, cooperatives, non-governmental organizations, religious associations, political parties, trade unions, foundations and online associations. For more information, see United Nations Human Rights Council, A/HRC/20/27, ‘Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai’, (21 May 2012), available at: [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf).

<sup>16</sup> Fundamental freedoms– for the purposes of this report – comprise the freedom of association, freedom of expression and freedom of assembly. Freedom of association is the right to join or leave groups of a person’s own choosing, and for the group to take collective action to pursue the interests of members. Freedom of expression is the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his or her choice. Freedom of assembly is the right to gather publicly or privately and collectively express, promote, pursue and defend common interests. This right includes the right to participate in peaceful assemblies, meetings, protests, strikes, sit-ins, demonstrations and other temporary gatherings for a specific purpose.

## Fundamental Freedoms Monitoring Project

The MTT was reviewed and revised by the Monitoring Team at the conclusion of Year One, in order to make improvements to the monitoring framework where possible, and to expand the breadth, depth, and utility of data monitored by the FFMP. This review process resulted in the addition of over 20 new elements, primarily related to the rights to freedom of expression and freedom of assembly, based on lessons learned from Year One.

The Monitoring Team utilized six data collection methods to measure the extent to which these milestones have been achieved. These data collection methods include a Survey of CSO and trade union leaders (CSO/TU Leaders' Survey);<sup>17</sup> a Public Poll;<sup>18</sup> an Incident Reporting mechanism;<sup>19</sup> Media Monitoring;<sup>20</sup> a Trade Union Registration Evaluation Tool;<sup>21</sup> and a Desk Review of Relevant Laws (Desk Review).<sup>22</sup>

This annual report presents an analysis of key findings and trends related to the exercise of fundamental freedoms from the second year of monitoring, 01 April 2017 – 31 March 2018.

---

<sup>17</sup> The CSO/TU Leaders' Survey aims to capture the feelings and experiences of CSO/TU leaders in relation to their ability to exercise the fundamental freedoms, and is conducted on an annual basis. The survey is completed online and through face-to-face interviews. Enumerators consist of CCHR, ADHOC and SC staff. The CSO/TU Leader's Survey was conducted between 21 November and 20 December 2017.

<sup>18</sup> The Public Poll aims to gauge the general public's sentiment towards the fundamental freedoms. The Public Poll was conducted in Khmer, utilizing 'convenience sampling,' whereby members of the Monitoring Team visited public locations with high pedestrian traffic, such as marketplaces and pagodas. The Public Poll was conducted between 13 February and 30 March 2018 across 21 provinces and included 1,023 respondents.

<sup>19</sup> Incident Reports are collected through the Incident Report Mechanism, a form developed to capture violations of freedom of association and related rights. Individuals or associations that believe their rights to freedom of association, assembly or expression have been violated can report the incident to the Monitoring Team, who are responsible for completing an Incident Report Form. The Form captures qualitative and quantitative data including information about the incident itself, the location, the people involved, the type of association and the type of violation.

<sup>20</sup> Media Monitoring is carried out daily by CCHR. It focuses on newspaper coverage of freedom of association and related rights and is governed by a set of Media Monitoring Guidelines which are based upon the MTT.

<sup>21</sup> The Trade Union Registration Evaluation Tool records the experiences of trade union representatives as they attempt to register their unions, as required under the Trade Union Law. Interviews are conducted before, during, and after registration, in order to track the registration experience, and its compliance with the prescribed legal procedures. Data is collected by SC staff and analyzed by CCHR staff.

<sup>22</sup> The Desk Review is composed of expert analysis of the content of Cambodian laws, policies, reports and other official documents to assess the degree to which legal guarantees and other conditions are in place to ensure freedom of association and related rights. The Desk Review is led by CCHR. The Desk Review encompasses both qualitative analysis, of the degree to which Cambodian laws respect the fundamental freedoms, and quantitative analysis.

## 2. Key Milestone 1: Does the legal framework for fundamental freedoms meet international standards?

---

Key Milestone One examines the extent to which Cambodia's legal framework complies with international human rights law governing fundamental freedoms.<sup>23</sup> The FFMP's first annual report compared the entire Cambodian domestic legal framework with relevant international standards. This report considers relevant legal developments (newly-adopted primary and secondary laws) that were introduced between 01 April 2017 – 31 March 2018, as well as additional legal analysis of the pre-existing legal framework, based on new MTT indicators.

### 2.1 The new prior notification regime for all CSO activities contravenes international standards for the freedom of association

In October 2017, the Ministry of Interior (MoI) issued a letter that instituted a new, prior notification system for all activities undertaken by CSOs. The October 2017 letter, which was sent to provincial and district governors requires all associations and NGOs to inform either the MoI or local authorities of the type of activity they plan to undertake in a specific territory or province at least three days in advance of the activity.<sup>24</sup> If no notification is given, or if the MoI or local authority deems the activity to affect "public order or national authority," the relevant authority is empowered to ban the activity and is required to inform the MoI about the proposed activity immediately. The letter includes no definitions for the terms "public order" or "national security."

Authorities have wide latitude to restrict the activities of associations without any explanation and without an avenue for CSOs to appeal adverse decisions. The letter attempts to justify this prior notification regime as a clarification of the implementation of the Law on Associations and Non-Governmental Organizations (LANGO). However, the LANGO contains no provisions requiring prior notification of associations' activities.

Requiring associations and organizations to notify the authorities prior to undertaking any activities constitutes a restriction to the right to freedom of association, as guaranteed by Article 22 of the ICCPR. Restrictions to freedom of association only comply with international human rights law if they pass the three-part test contained in Article 22 of the International Covenant on Civil and Political Rights (ICCPR). Any restriction on the freedom of association must: (1) be prescribed by law; (2) pursue a legitimate aim (national security, public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others); and, (3) be the least restrictive means of achieving that aim. This regime of prior notification fails Article 22(2)'s three-part test and thus fails to meet international standards for the right to freedom of association. The MoI letter cannot be said to be prescribed by law, because the letter does not constitute a formal legal instrument, and its content does not relate to any provision of the LANGO. Moreover, the fact that the letter was only sent to government authorities means that it was not sufficiently accessible to the general public to be considered 'prescribed by law'. The power to prohibit and interfere with

---

<sup>23</sup> The findings in Key Milestone 1 are primarily based on the Desk Review of Relevant Laws (Desk Review).

The Desk Review analyzes the extent to which the domestic legal framework related to fundamental freedoms complies with international human rights law and standards related to fundamental freedoms, derived from the relevant international treaties and international standards as interpreted by the UN Human Rights committee, and by UN Special Rapporteurs. See also Annex 1 Section 2.

<sup>24</sup> 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 Mech Dara, 'Ministry ups scrutiny of NGOs,' *The Phnom Penh Post*, (10 October 2017), available at: <https://www.phnompenhpost.com/national/ministry-ups-scrutiny-ngos>.

any and all association activities is also disproportionate to the aim of preserving public order. The fact that all activities are covered by the letter – potentially even including private meetings and workshops held at CSO offices — means the directive is far too broad to be deemed proportionate. This new system of prior notification therefore fails to meet comply with international standards for freedom of association, and constitutes a significant restriction to the freedom of association.

### 2.2 The ‘lèse majesté’ amendment to the Criminal Code impermissibly restricts freedom of expression

The **Criminal Code of the Kingdom of Cambodia (Penal Code)** was amended on 27 February 2018 to include Article 437 bis, titled ‘Insulting the King’ (also known as a ‘*lèse majesté*’ offense).<sup>25</sup> Article 437 bis criminalizes any “insult addressed to the King.” The term “insult” is broadly defined as “any speeches, gestures, scripts/writings, paintings or items that affect the dignity of individual persons”, in this case, the King. Violating this article results in imprisonment from one to five years and/or a fine from two million to ten million riels (US\$500 to \$US\$2,500) for natural persons.

Article 437 bis is a restriction to the freedom of expression, as guaranteed by Article 42 of the Cambodian Constitution and Article 19 of the ICCPR. Under the ICCPR, a restriction to the freedom of expression is only permissible if it complies with the three-part test set out in Article 19(3) of the ICCPR – the restriction must: (1) be prescribed by law; (2) pursue a legitimate aim (respect of the rights or reputations of others, protection of national security, public order, public health or morals); and (3) be proven as necessary and the least restrictive means required to achieve the purported aim.<sup>26</sup>

Although Article 437 bis pursues a legitimate aim (protection of the rights or reputations of others), it constitutes an impermissible restriction to the freedom of expression, “[L]aws that criminalize criticism of government officials or royalty are manifestly inconsistent with freedom of expression and unjustifiable under Article 19 of the ICCPR.”<sup>27</sup> Article 437 bis violates the first part of the three-part test, because its vague language is not clear, and is therefore vulnerable to arbitrary interpretation. A restriction to the freedom of expression must, “be formulated with sufficient precision to enable both the individual and those charged with its execution to regulate conduct accordingly and be made accessible to the public.”<sup>28</sup> The broad definition of “insult” is so vague that it could be used arbitrarily to punish individuals expressing legitimate criticism deemed “insulting” to the King.

Article 437 bis fails the third prong of Article 19’s three-part test because it is disproportionate to the aim of protecting the rights of others. Imprisonment and criminal sanctions are not needed to protect individual reputations, or to compensate for the harm

---

<sup>25</sup> 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), available at: <https://www.phnompenhpost.com/national-politics/updated-lese-majeste-law-among-changes-cambodias-constitution-and-penal-code>.

<sup>26</sup> International Covenant on Civil and Political Rights (ICCPR), Article 19(3), available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. For an extensive description of the three-part test for restrictions on freedom of expression, see UN Economic and Social Council, E/CN.4/1995/32, ‘Report of the Special Rapporteur, Mr. Abid Hussain, pursuant to Commission on Human Rights resolution 1993/45,’ (14 Dec. 1994), paras. 38-55, available at: [http://ap.ohchr.org/documents/alldocs.aspx?doc\\_id=460](http://ap.ohchr.org/documents/alldocs.aspx?doc_id=460).

<sup>27</sup> United Nations Human Rights Council, A/71/373, ‘Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye,’ (September 6, 2016), para. 33, available at: [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/71/373](http://www.un.org/ga/search/view_doc.asp?symbol=A/71/373).

<sup>28</sup> United Nations Human Rights Council, A/71/373, ‘Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye’ September 6, 2016, para. 12; see also Human Rights Committee, General Comment No. 34: Article 19: Freedoms of opinion and expression, paras. 13-20, 38, UN Doc # CCPR/C/GC/34 (2011).

caused by hurting an individual's reputation. Moreover, the offense is unnecessary because the King is already protected by the existing defamation and insult provisions of the penal code. Article 437 bis therefore contravenes Article 19 of the ICCPR by imposing disproportionate restrictions on free speech.

In addition to restricting the freedom of expression, Article 437 bis also restricts the right to freedom of association because it prescribes excessive punishments for legal entities. Legal entities such as media outlets and CSOs "may be held criminally responsible for offences committed on their behalf by their organs or representatives".<sup>29</sup> Legal entities face fines of up to fifty million riels (US\$12,500), as well as additional sanctions, including dissolution, forfeiture of assets, and prohibition of certain activities. The broad language contained in Article 437 bis means that even the private actions of individual staff or members of legal entities could be used to impute criminal responsibility to a legal entity.

The severe punishments for legal entities in Article 437 bis do not comply to international standards for the right to freedom of association; dissolution of an organization should only occur as a measure of last resort, where the continued existence of the CSO or media entity presents a clear and present danger to a legally protected interest. This high threshold is not met by mere conviction under a defamation-related offense such as *lèse majesté*.

### 2.3 The 2018 amendments to the Constitution pose a threat to fundamental freedoms

Several amendments to the **Constitution of the Kingdom of Cambodia**, which were promulgated in February 2018, threaten the exercise of the freedoms of association, assembly, and expression.<sup>30</sup> Although the constitutional amendments do not, technically, have any direct regulatory effect, the amendments 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.

The rights to freedom of expression and association, enshrined in Cambodia's constitution are threatened by 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," respectively.

These amended articles constitute limitations on the rights to freedom of expression and association, and as such, they must pass the three-part tests prescribed by Article 19 and Article 22 of the ICCPR in order to comply with international standards.

These amended articles fail the first part of Article 19's three-part test because the requirement to "uphold the national interest" is extremely vague, and is thus vulnerable to arbitrary interpretation by authorities.

The amended articles also fail the second and third prongs of Article 22's three-part test. The second prong requires that restrictions to the freedom of association must pursue a legitimate state 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 likely fail Article 22's standard of legitimacy.

---

<sup>29</sup> Note: It is unclear from this language whether a legal entity must be convicted separately from its representative, or whether a legal entity can face punishment simply based on the conviction of its representative. Note: Article 437 bis references Article 42 of the Criminal Code, 'Criminal Responsibility of Legal Entities', in order to invoke criminal responsibility for legal entities in respect of 'Insulting the King'.

<sup>30</sup> All of these amendments were adopted following a rushed and secretive legislative process, with no public consultations, and no prior publication of the specific text of the amendments.



## Fundamental Freedoms Monitoring Project

The third-prong of Article 22's test is not met because it is not the least restrictive means to achieve a legitimate aim. Prohibiting 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, is not necessary to achieve a legitimate aim. A restriction to the freedom of association cannot contravene principles of "pluralism, tolerance, and broad mindedness."<sup>31</sup> As such, Amended Articles 42(2) and 49(2) violate international standards for freedom of association and freedom of expression guaranteed by the ICCPR, which is itself enshrined in Article 31 of the Constitution.<sup>32</sup>

Amended Article 53(3) states that Cambodia "absolutely opposes any interference from abroad conducted through any forms into its own internal affairs." This article could conceivably be used to prevent associations from receiving funding from international sources, thereby undermining freedom of association, which includes the ability of associations to access resources.<sup>33</sup> Furthermore, it could be interpreted to prevent non-Khmer citizens or international CSOs from exercising freedom of association, assembly, and expression, contrary to the RGC's obligation to protect the rights of all individuals within its territory, including non-citizens, as specified by the ICCPR.<sup>34</sup> For example, it could be used to prevent non-Khmer citizens residing and working in Cambodia from participating in assemblies or voicing political views by categorizing such activities as a form of interference in Cambodia's internal affairs.<sup>35</sup>

Amended Article 34(5) states that "provisions disenfranchising the right to vote and the right to stand as candidates of the elections shall be set by Law." This article explicitly allows for the creation of new laws that would restrict the right to vote or restrict the right to stand as a candidate for an election, which are rights explicitly protected by Article 25(b) of the ICCPR. The precise nature of this restriction and its compliance with the ICCPR will ultimately depend on the formulation of any accompanying legislation. However, disenfranchisement constitutes a severe limitation on the rights to freedom of association and expression, and would require an exceptionally strong justification.

The amendments to the Constitution pose serious threats to fundamental freedoms and do not comply with the ICCPR. These amendments provide constitutional bases for new, additional restrictions to fundamental freedoms, which could further diminish civic space in Cambodia.

---

<sup>31</sup> United Nations Human Rights Council, A/HRC/20/27, 'Report of UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai,' (May 21, 2012), para. 32.

<sup>32</sup> Article 2(1) of the ICCPR requires each State Party to the ICCPR to "respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant." Furthermore, the Constitutional Council of the Kingdom of Cambodia's decision of 10 July 2007 authoritatively interpreted Article 31 of the Cambodian Constitution as meaning that international treaties ratified by Cambodia, including the ICCPR, are directly applicable in domestic law. See Constitutional Council of the Kingdom of Cambodia, Decision No. 092/003/2007 (10 July 2007).

<sup>33</sup> United Nations Human Rights Council, A/68/299, 'Report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai,' (7 August 2013), para. 8, available at: [https://www.ohchr.org/Documents/Issues/FAssociation/A\\_68\\_299\\_en.pdf](https://www.ohchr.org/Documents/Issues/FAssociation/A_68_299_en.pdf).

<sup>34</sup> Article 2(1) of the ICCPR requires that all each State Party to the Covenant undertake to "respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant." Furthermore, a Constitutional Council decision on 10 July 2007 authoritatively interpreted Article 31 of the Cambodian Constitution as meaning that international treaties ratified by Cambodia, including the ICCPR, are directly applicable in domestic law. See Constitutional Council of the Kingdom of Cambodia, Decision No. 092/003/2007 (10 July 2007).

<sup>35</sup> The right to participate in peaceful assembly is protected by Article 21 of the ICCPR, the right to association is protected by Article 22, and the freedom of expression is protected by Article 19.

### 2.4 The July 2017 amendment to the Law on Political Parties violates freedom of association

The **Law on Political Parties** underwent additional amendments in July 2017, following earlier amendments in March 2017.<sup>36</sup> Article 6 New (two)<sup>37</sup> and Article 45 New of the July 2017 Amendment significantly limit the functioning and formation of political parties. These articles constitute restrictions to the right to freedom of association, as guaranteed by Article 22 of the ICCPR and the Cambodian Constitution.

Article 6 New (two) (6) states that political parties may be suspended or dissolved for using the “voice messages, images, written documents or activities of a person convicted of felony or misdemeanor for political gains/interests of the party.” Article 6 New (two) also prohibits political parties from “openly or tacitly agreeing or conspiring” with convicted individuals,<sup>38</sup> and “individuals who carry out activities aiming at opposing the interest of the Kingdom of Cambodia”.<sup>39</sup> Activities considered adverse to national interests include those “affecting the security of the state” and “incitement that would lead to national disintegration.”<sup>40</sup>

#### Case Study 1

On 16 November 2017, the Supreme Court dissolved the Cambodia National Rescue Party (CNRP) and banned 118 senior CNRP officials from participating in any political activity for five years on the basis of Articles 6, 7, 44, and 45 of the Law on Political Parties.<sup>41</sup> Articles 6 and 7 forbid “activities aiming at opposing the interest of the Kingdom of Cambodia” or agreement with individuals who conduct such activities, and the subordination of political parties to the “order of any foreign political party or any foreign government” respectively. Articles 44 and 45 grant the Supreme Court the power to dissolve political parties and prohibit the political activities of their leadership for five years for violating Articles 6 and 7. Under these articles, allegations that the CNRP attempted to overthrow the Cambodian government through a ‘color revolution’ were deemed sufficient justification for the Supreme Court’s ruling against the CNRP and its 118 senior officials.

In addition to limiting the rights of existing political parties, Article 6 New (two) poses restrictions on the formation of new political parties. New political parties may be denied registration if they are deemed not to comply with the criteria contained in Article 6 New (two).

Pursuant to Article 22(2) of the ICCPR, any restriction to freedom of association must pass the ICCPR’s three-part test in order to be permissible. Article 6 New (two) fails all three prongs of Article 22’s three-part test. First, the reference to “tacit agreement” with a convicted person is too broad, and the absence of specific criteria for “tacit agreement” breaches the requirement that any restriction must be prescribed by law. Second, while the security of the state constitutes a legitimate aim, “national unity” does not.<sup>42</sup> Third, the prohibition

of the use of the voice, image, document or activity of a convicted person is exceptionally broad and cannot be deemed the least restrictive means to protect national security, and as such fails to comply with proportionality prong of the test. Moreover, the scope of Article 6

<sup>36</sup> See FFMP First Annual Report, pp. 6-7.

<sup>37</sup> Note: The ‘(two)’ element of ‘Article 6 New (two)’ denotes the fact that this is the second time the article was amended, rather than referring to a paragraph of that article.

<sup>38</sup> Law on Political Parties, Article 6 New (two), para. 7.

<sup>39</sup> Law on Political Parties, Article 6 New (two), para. 8.

<sup>40</sup> Law on Political Parties, Article 6 New (two), paras. 1 – 5.

<sup>41</sup> Mech Dara and Erin Handley, ‘Breaking: Interior Ministry files complaint to dissolve CNRP,’ The Phnom Penh Post, (6 October 2017), available at: <https://www.phnompenhpost.com/national/breaking-interior-ministry-files-complaint-dissolve-cnrp>.

<sup>42</sup> Law on Political Parties, Article 6 New (two), para. 5.

## Fundamental Freedoms Monitoring Project

New (two) covers individuals convicted of even the most minor crimes. While a time-limited ban on political participation for those convicted of electoral fraud or political corruption, for example, may be proportionate, an outright ban on all convicts for life is severely disproportionate.

Article 45 New prevents political parties that have been suspended by the Mol from participating and competing in elections, and requires their removal from the official party registry.

Article 45 New also contravenes Article 22 of the ICCPR. Banning political parties from participating in elections prevents them from fulfilling their primary purpose – a purpose which is essential to a democratic society – and as such requires an exceptionally strong justification:

The suspension and the involuntarily dissolution of an association are the severest types of restrictions on freedom of association. As a result, it should only be possible when there is a clear and imminent danger resulting in a flagrant violation of national law, in compliance with international human rights law. It should be strictly proportional to the legitimate aim pursued and used only when softer measures would be insufficient.<sup>43</sup>

If, for example, a political party promoted violent revolution as its policy platform, it may meet this threshold; however, the reasons for which a party can be barred from competing in elections under this law, such as those provided in ‘Article 6 New’, fail to meet that high standard, and thus violate the ICCPR.

### 2.5 The Cambodian legal framework regulating the state use of force at assemblies complies with international human rights law and standards

In Year Two, the Monitoring Team added several new indicators to the MTT based on international standards related to the right to freedom of assembly.<sup>44</sup> Key Milestone One now addressees in greater detail the Cambodian legal framework regulating use of force at assemblies. The FFMP analyzed all relevant laws with these new indicators in Year Two, regardless of when these laws were enacted. On the basis of this analysis, the domestic legal framework for the management of peaceful assemblies was found to be consistent with international human rights law and standards.

International legal standards dictate that any use of force during peaceful assembly must comply with the principles of legality, precaution, necessity and proportionality.<sup>45</sup> The legal framework must specifically restrict the use of weapons and tactics during assemblies, including protests, and include a formal approval and deployment process for weaponry and equipment.<sup>46</sup> The necessity principle requires that the least harmful means of force available

---

<sup>43</sup> United Nations Human Rights Council, A/HRC/20/27, ‘Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kaia’ (21 May 2012), para. 75, available at: [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf).

<sup>44</sup> Related to these international standards, several new MTT indicators have been added, including: ‘presumption in favor of holding peaceful assemblies is clearly and explicitly established,’ ‘police are obliged to facilitate peaceful assemblies,’ and ‘assembly organizers and participants are not responsible or liable for the unlawful conduct of others, or the maintenance of public order’.

<sup>45</sup> United Nations Human Rights Council, A/HRC/31/66, ‘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), para. 50, available at [http://freeassembly.net/wp-content/uploads/2016/02/A.HRC\\_31.66\\_E\\_with\\_addendum.pdf](http://freeassembly.net/wp-content/uploads/2016/02/A.HRC_31.66_E_with_addendum.pdf).

<sup>46</sup> United Nations Human Rights Council, A/HRC/31/66, ‘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

be used in every context.<sup>47</sup> The principle of precaution requires that all feasible steps be taken in planning, preparing, and conducting an operation related to an assembly to avoid or, when force is unavoidable, minimize the use of force.<sup>48</sup> Any force used should be targeted at individuals using violence or other imminent threats.<sup>49</sup> States must ensure that their law enforcement officials are periodically trained in and tested on the lawful use of force, and on the use of the weapons with which they are equipped.<sup>50</sup>

Article 20(2) of the **Law on Peaceful Assembly** states that “in case a peaceful assembly turns violent, competent authorities shall take proper measures to prevent and stop the demonstration immediately.” Articles 23-27 of the Law on Peaceful Assembly specify how authorities should respond in instances where demonstrations become violent or demonstrators commit crimes, such as by confiscating weapons and taking individuals into custody. None of the articles explicitly prohibit or provide for the use of force. These articles therefore comply with international standards requiring that law enforcement officials restrict the use of weapons during assemblies, and avoid or minimize the use of force to as great an extent as possible.

Article 3-6-4 of the **Implementation Guide to the Law on Peaceful Assembly** also complies with international standards by stating that an assembly can only be dispersed “when no other option exists.” This provision is consistent with the requirement to use the least harmful means of force available in every context. The Implementation Guide also states that authorities should try to isolate troublemakers who use “derogatory words”, and to contain violence, as opposed to dispersing demonstrations completely. By requiring that any use of force be directed at violent individuals, these measures comply with the principles of proportionality and necessity. However, neither the Law on Peaceful Assembly nor its implementation guide explicitly require periodic training on the lawful use of force for security forces charged with policing assemblies.<sup>51</sup>

### 2.6 Lack of independent oversight of communications surveillance under Cambodian law violates international standards for freedom of expression

Several indicators were also added to the MTT in Year Two based on international standards related to the right to freedom of expression. Key Milestone One now considers additional elements of freedom of expression in detail, including Element 1.34, “surveillance of communications can occur only after meaningful judicial oversight”.

---

arbitrary executions on the proper management of assemblies,’ (4 Feb 2016), para. 51, available at [http://freeassembly.net/wp-content/uploads/2016/02/A.HRC\\_31.66\\_E\\_with\\_addendum.pdf](http://freeassembly.net/wp-content/uploads/2016/02/A.HRC_31.66_E_with_addendum.pdf).

<sup>47</sup> United Nations Human Rights Council, A/HRC/31/66, ‘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), para. 57, available at [http://freeassembly.net/wp-content/uploads/2016/02/A.HRC\\_31.66\\_E\\_with\\_addendum.pdf](http://freeassembly.net/wp-content/uploads/2016/02/A.HRC_31.66_E_with_addendum.pdf).

<sup>48</sup> United Nations Human Rights Council, A/HRC/31/66, ‘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), para. 52, available at [http://freeassembly.net/wp-content/uploads/2016/02/A.HRC\\_31.66\\_E\\_with\\_addendum.pdf](http://freeassembly.net/wp-content/uploads/2016/02/A.HRC_31.66_E_with_addendum.pdf).

<sup>49</sup> United Nations Human Rights Council, A/HRC/31/66, ‘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), para. 57, available at [http://freeassembly.net/wp-content/uploads/2016/02/A.HRC\\_31.66\\_E\\_with\\_addendum.pdf](http://freeassembly.net/wp-content/uploads/2016/02/A.HRC_31.66_E_with_addendum.pdf).

<sup>50</sup> United Nations Human Rights Council, A/HRC/31/66, ‘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), para. 52, available at [http://freeassembly.net/wp-content/uploads/2016/02/A.HRC\\_31.66\\_E\\_with\\_addendum.pdf](http://freeassembly.net/wp-content/uploads/2016/02/A.HRC_31.66_E_with_addendum.pdf).

<sup>51</sup> It is possible that this requirement is contained in a different law regulation, beyond the scope of the FFMP’s Desk Review.

## Fundamental Freedoms Monitoring Project

International standards for freedom of expression and the right to privacy prohibit arbitrary or unlawful interference with one's privacy, family, home or correspondence.<sup>52</sup> Any lawful interference is only permissible when carried out in accordance with the provisions, aims and objectives of the ICCPR and when it is reasonable in particular circumstances.<sup>53</sup> The legislation must specify the precise circumstances under which interference may be permitted, and the interference must be authorized by an authority designated under the law, on a case-by-case basis.<sup>54</sup>

The **Law on Telecommunications**, promulgated in 2016, provides the RGC with unrestricted power to surveil telecommunications without oversight from the judiciary or another independent body. These broad and unregulated powers violate international standards regarding violation of privacy and freedom of expression, while also posing threats to freedom of association.

Article 97 permits secret surveillance of all telecommunications with the approval of a "legitimate authority," a broad and undefined term that may refer to any administrative official. This vague provision grants an exceptionally broad range of unknown authorities the power to arbitrarily surveil whomever they deem appropriate; it thereby imperils the freedom of expression of individuals, civil society organizations, political parties, journalists, and other groups who wish to share information and express opinions deemed threatening to authorities.

The 2010 **Law on Anti-Corruption**<sup>55</sup> conferred exceptional, highly intrusive powers on the Anti-Corruption Unit (ACU), Cambodia's national anti-corruption institution. The ACU enjoys surveillance powers not granted to other law enforcement bodies, such as the ability to monitor bank accounts and to carry out surveillance and phone-tapping, in cases of a "clear hint of corruption offence".<sup>56</sup> The ACU can "monitor, oversee, eavesdrop, record sound and take photos, and engage in phone tapping," as well as ordering provision of "all bank, financial and commercial documents." Article 27 explicitly provides that the above measure shall not be considered as violations of "professional secrets". It adds that bank secrecy cannot be invoked to justify refusing to provide evidence related to corruption. Similar to the Law on Telecommunications, these powers are not subject to judicial oversight.

The absence of judicial or independent oversight to ensure that such surveillance serves a legitimate aim, or is the least restrictive means of achieving such an aim, violates international standards prohibiting arbitrary interference with privacy, and poses a severe threat to freedom of expression. The Law on Telecommunications and the Law on Anti-Corruption therefore violate international standards for communications surveillance.

The highlighted legal amendments passed between 1 April 2017 – 31 March 2018 followed the legislative pattern identified and analyzed in Year One of the FFMP. These laws provide the RGC with the legal tools to suppress fundamental freedoms in contravention of international human rights standards. The amendments to Constitution, Criminal Code, and Law on Political Parties give the RGC broad powers to restrict the freedoms of association and expression. Additional legal analysis of the existing legal framework highlighted a lack of

---

<sup>52</sup> ICCPR, Article 17 (1), available at: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

<sup>53</sup> UN CCPR General Comment N. 16 on Article 18, Right to Privacy, 1988, paras 3 & 4, available at: <http://www.refworld.org/docid/453883f922.html>.

<sup>54</sup> UN CCPR General Comment N. 16 on Article 18, Right to Privacy, 1988, para. 8, available at: <http://www.refworld.org/docid/453883f922.html>.

<sup>55</sup> Law on Anti-Corruption, 2010. Available at: [http://www.acu.gov.kh/en\\_sub\\_index.php?4a8a08f09d37b73795649038408b5f33=2&03c7c0ace395d80182db07ae2c30f034=10&9e3669d19b675bd57058fd4664205d2a=7](http://www.acu.gov.kh/en_sub_index.php?4a8a08f09d37b73795649038408b5f33=2&03c7c0ace395d80182db07ae2c30f034=10&9e3669d19b675bd57058fd4664205d2a=7).

<sup>56</sup> Article 27, Law on Anti-Corruption, 2010.

## **Fundamental Freedoms Monitoring Project**

safeguards against arbitrary restrictions to fundamental freedoms. The LANGO has been interpreted through an October 2017 letter issued by the MoI to invoke a prior notification regime for all activities of associations, which contradicts international human rights law and standards and has no basis in the LANGO itself. The Law on Telecommunications and the Law on Anti-Corruption give RGC authorities broad powers to surveil and prosecute speech and other forms of expression without judicial oversight. Since these laws do not contain necessary safeguards to protect the rights and freedoms of others, they do not comply with international human rights law and standards on the right to freedom of expression.

### 3. Key Milestone 2: Is the legal framework for fundamental freedoms implemented and properly enforced?

Key Milestone Two examines whether the legal framework for fundamental freedoms is implemented and properly enforced.<sup>57</sup> In order to comply with international human rights standards, laws affecting fundamental freedoms must be applied consistently and implemented according to the letter of the law. In Year Two, the FFMP again recorded a large and steadily increasing number of violations of fundamental freedoms, carried out at by national and local authorities, in nearly every province of Cambodia. Laws affecting fundamental freedoms in Cambodia remain systematically misapplied. The FFMP recorded 816 incidents related to the exercise of fundamental freedoms; 669 of these incidents were recorded via Media Monitoring and Incident Reports captured an additional 147 unique incidents (i.e. not also recorded via Media Monitoring). The following sections highlight key findings from this data.

#### 3.1 Increase in restrictions and violations of fundamental freedoms

The FFMP tracked the prevalence of restrictions and violations of fundamental freedoms.<sup>58</sup> A steady increase in the number of restrictions and violations was recorded throughout Year Two, as shown in Figure 10 below:<sup>59</sup>

**FIGURE 10: RESTRICTIONS AND VIOLATIONS OF FUNDAMENTAL FREEDOMS IN YEAR TWO**

<b>Year Two Restrictions and Violations of Fundamental Freedoms</b>		
	<i>Number of Restrictions</i>	<i>Number of Violations</i>
<b>Freedom of Association</b>	406	315
<b>Freedom of Assembly</b>	146	111
<b>Freedom of Expression</b>	245	187

Source: FFMP Media Monitoring and Incident Reporting Databases, May 2018

Year One of the FFMP tracked a total of 391 restrictions of fundamental freedoms, compared to 593 in Year Two.<sup>60</sup>

<sup>57</sup> The findings in Key Milestone 2 are based on Media Monitoring, Incident Reports and the CSO/TU Leaders' Survey.

<sup>58</sup> The difference between a restriction and a violation of a right is that a restriction can be legally permissible under certain circumstances, while a violation *prima facie* contravenes international legal standards. For example, to determine whether a restriction to speech constitutes a violation, the FFMP examines whether that restriction fails the three-part test outlined in Article 19 of the ICCPR. If the restriction fails the three-part test, it is deemed a violation. Descriptions of the three-part tests for the freedom of association and the freedom of expression can be found in Sections 2.1 and 2.2 of Key Milestone One. Descriptions of the international legal standards governing permissible restrictions to the freedom of assembly can be found in Section 2.5 of Key Milestone One.

<sup>59</sup> Note: these figures reflect the number of recorded incidents where a restriction or violation was found, as opposed to every discrete restriction or violation that occurred within a given reported incident. For example, if two individuals were reported to have been arrested for exercising their freedom of expression in a single media source, only one restriction and violation of freedom of expression would have been recorded by the FFMP Monitoring Team.

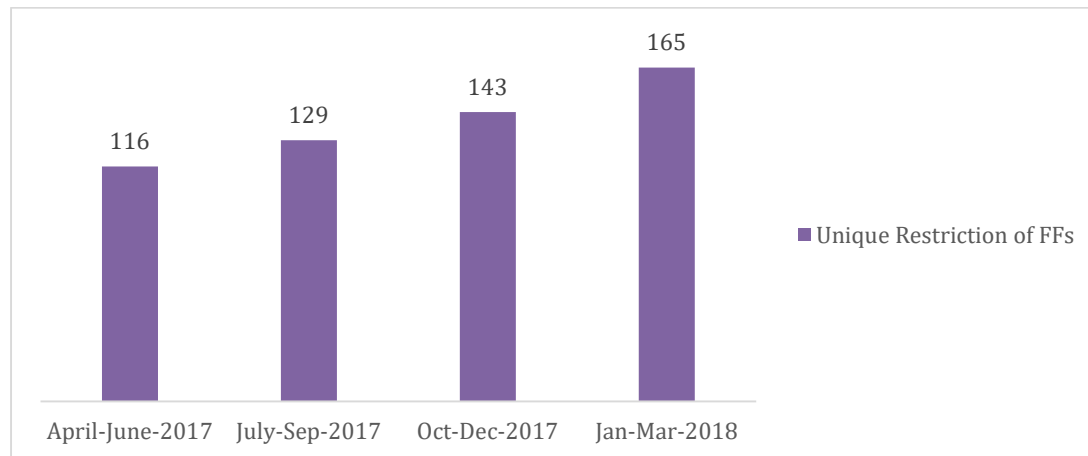
<sup>60</sup> Year One of the FFMP recorded overall numbers of restrictions and violations of fundamental freedoms, but did not do so for each fundamental freedom individually. Therefore, while a freedom-by-freedom analysis was conducted in Year Two, there is no directly comparable data for Year One.



## Fundamental Freedoms Monitoring Project

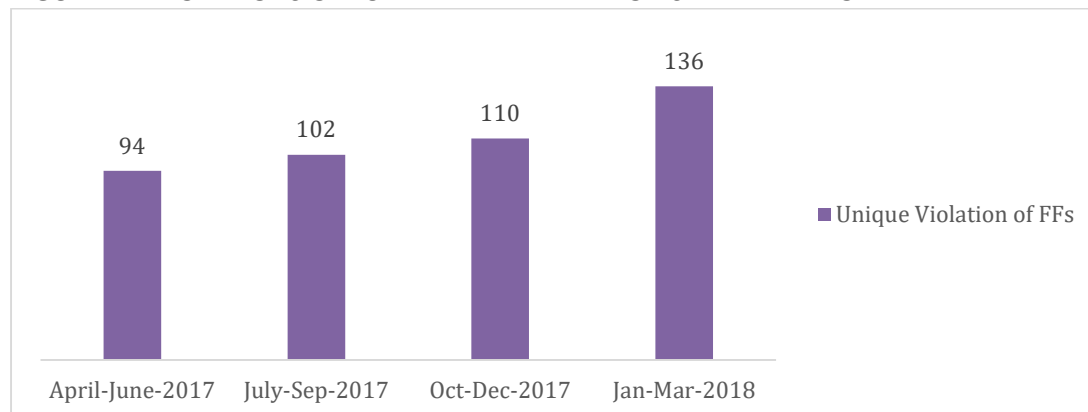
There was a steady increase in restrictions and violations of fundamental freedoms throughout Year Two, as shown in Figures 11 and 12 below:

**FIGURE 11: RESTRICTIONS OF FUNDAMENTAL FREEDOMS IN YEAR TWO<sup>61</sup>**



Source: FFMP Media Monitoring Database, May 2018

**FIGURE 12: VIOLATIONS OF FUNDAMENTAL FREEDOMS IN YEAR TWO**



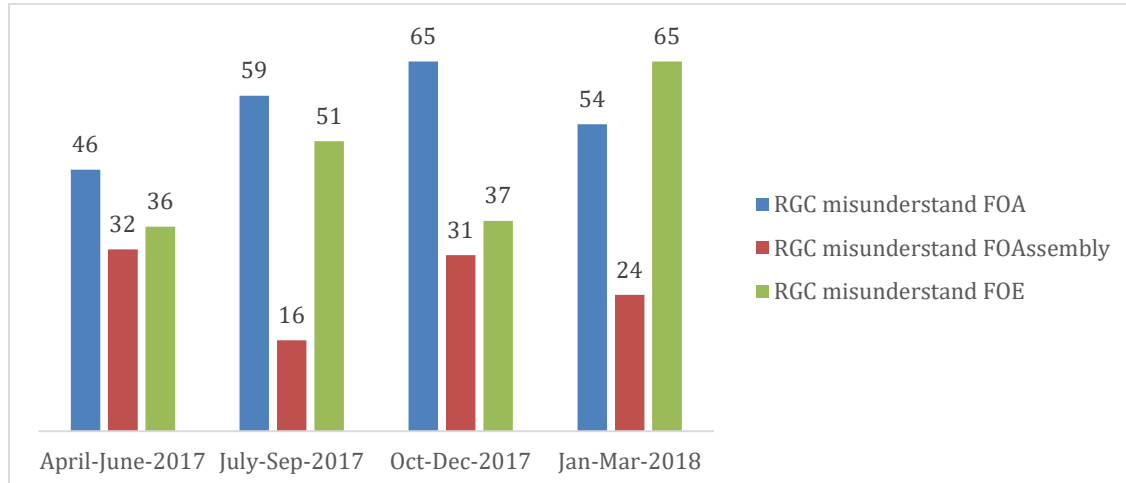
Source: FFMP Media Monitoring and Incident Reporting Databases, May 2018

### 3.2 RGC statements frequently demonstrated a misunderstanding of fundamental freedoms

When a public statement that relates to fundamental freedoms is made by an RGC official, the FFMP analyzes whether the statement displayed a correct understanding of the international human rights standards relevant to that freedom. Misstatements of the law are recorded as misunderstandings. RGC actors frequently demonstrated a misunderstanding of the laws relating to fundamental freedoms (see Figure 13).

<sup>61</sup> The figures for “unique” restrictions / violations represent the total number of incidents recorded in which violations occurred, without any duplication. Figures provided for restrictions and violations of freedom of association, freedom of expression and freedom of assembly do not necessarily represent separate incidents, i.e., one incident may be recorded as a violation of both freedom of association *and* freedom of expression.

**FIGURE 13: RGC ACTORS' LEVEL OF UNDERSTANDING OF FUNDAMENTAL FREEDOMS**



Source: FFMP Media Monitoring Database, May 2018

Many of these misunderstandings<sup>62</sup> stemmed from the RGC's characterization of peaceful assemblies, CSO activities, and political figures deemed critical of the government as part of an alleged 'color revolution.'<sup>63</sup> Year Two saw the RGC use these allegations not only to justify widespread prohibitions of, and interference with, assemblies and association activities, but also to justify criminal charges against those deemed to be part of the revolution. (See Section 3.6, below, for a more extensive analysis of this trend.) RGC actors also displayed misunderstandings of the law by restricting the fundamental freedoms of activists based on justifications which lacked any basis in domestic or international human rights law and standards. Two representative examples are:

- After participating in a protest against sand dredging, a couple was questioned by a deputy district governor in Kandal Province for allowing two environmental activists to stay in their house. They were warned that they would face criminal charges for allowing someone who committed a crime to stay in their home and were instructed to report to their village or commune chief before allowing visitors to stay in their home.<sup>64</sup>
- On 28 May 2017, twenty CNRP members were told by CPP lawmaker that they were not allowed to hold their commune election campaign in a market because it was located on a road built by the CPP.<sup>65</sup>

The RGC also demonstrated misunderstandings of the right to freedom of expression by obstructing, and in many instances, criminalizing political speech and dissent. Two representative examples are:

- In September 2017 Huy Oudom was arrested for singing a song, in a video recorded in 2013, which criticized Prime Minister Hun Sen for allegedly giving away

<sup>62</sup> Note: This analysis has not considered to what extent such statements represented willful or accidental misunderstandings on the part of RGC actors.

<sup>63</sup> "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," Shaun Turton, 'CPP calls out foreign NGOs for stirring 'colour revolution',' The Phnom Penh Post, (24 May 2017), available at: <http://www.phnompenhpost.com/national/cpp-calls-out-foreign-ngos-stirring-colour-revolution>.

<sup>64</sup> Incident Report IRCC010.

<sup>65</sup> Incident Report IRAD013.

## Fundamental Freedoms Monitoring Project

Cambodian land. He was charged with incitement under Articles 494 and 495 of the Criminal Code, detained, and released on bail a few days later.<sup>66</sup>

- In July 2017, Prime Minister Hun Sen called the CNRP's calls for political change a weapon of war and promised retaliation. He stated, "As long as your tongue and your writing insult me, I say that Cambodia is still at war. Do not be reckless. The army is ready to crack down on any movement to overthrow and undermine the country...To protect the peace for millions of people, if necessary, 100 or 200 must be eliminated."<sup>67</sup>

The threats, criminal charges, and harassment that individuals have been subject to for the exercise of their fundamental freedoms, from a variety of actors representing all levels and branches of the RGC, suggests that misunderstandings of fundamental freedoms are deeply entrenched.

### 3.3 Human rights defenders have been targeted for exercising fundamental freedoms

Both the RGC and third-party actors targeted human rights defenders (HRDs) through extra-judicial threats and harassment, legal action, and violence. The FFMP recorded eighteen incidents, involving at least thirty-six HRDs, where legal actions were taken against HRDs in relation to the exercise of their fundamental freedoms.

HRDs have often been arrested, charged, and convicted based on spurious accusations of criminality, most commonly, 'incitement' under Article 495 of the Penal Code. Some representative examples are:

- Cambodian Youth Party leader, Pich Sros, filed a complaint against Venerable But Buntenh, leader of the Independent Monk Network for Social Justice, Pa Ngoun Teang, leader of the Cambodian Center for Independent Media, and Moeun Tola, leader of the labor rights group, CENTRAL, over their alleged mishandling of funds raised for the funeral of murdered political analyst Kem Ley. The three were charged with 'breach of trust,' criminalized under Article 391 of the Penal Code, in January 2018, despite Kem Ley's family members having stated that "there were no issues in the handling of the funds."<sup>68</sup>
- Staff from two human rights NGOs and an environmental activist were subjected to questioning while trying to investigate the circumstances surrounding the earlier arrest of two detained Mother Nature activists. The staff from the two NGOs were summoned for questioning by commune authorities after visiting a witness in October 2017.<sup>69</sup>
- In December 2017, "120 lesser-known trade unions and federations, led by the government-aligned Cambodian Union Federation" filed a complaint against Chea

---

<sup>66</sup> Mech Dara and Ananth Baliga, 'Man charged over song criticising Hun Sen,' The Phnom Penh Post, (25 September 2017), available at: <http://www.phnompenhpost.com/national/man-charged-over-song-criticising-hun-sen>; see also Khuon Narim, 'Man who 'insulted' PM granted bail,' Khmer Times, (26 September 2017), available at: <http://www.khmertimeskh.com/5083567/man-insulted-pm-granted-bail/>.

<sup>67</sup> Phak Seangly and Ananth Baliga, 'Hun Sen marks day of his Khmer Rouge defection with Vietnam border crossing,' The Phnom Penh Post, (22 June 2017), available at: <http://www.phnompenhpost.com/national/hun-sen-marks-day-his-khmer-rouge-defection-vietnam-border-crossing>; Van Roeun, "'Prepare Your Coffin': Hun Sen Repeats Bloody Power Promise," The Cambodia Daily, (22 June 2017), available at: <https://www.cambodiadaily.com/news/prepare-coffin-hun-sen-repeats-bloody-power-promise-131626/>.

<sup>68</sup> See Khuon Narim, 'Second summons for Kem Ley fundraisers,' Khmer Times, (26 October 2017), available at: <https://www.khmertimeskh.com/5087825/second-summons-kem-ley-fundraisers/>; and, 'Kem Ley funeral committee members charged,' Khmer Times, (18 January 2018), available at: <https://www.khmertimeskh.com/50102943/kem-ley-funeral-committee-members-charged/>.

<sup>69</sup> IRAD042, IRAD045.

Mony, former President of the Free Trade Union, for incitement, after Mr. Mony advocated for sanctions targeting the garment sector.<sup>70</sup> The same day the case was filed, a group of men broke into Mr. Mony's house. Mr. Mony reported that court and Mol officials warned him that he would meet the same fate as his brother (Chea Vichea)<sup>71</sup> if he did not leave Cambodia.<sup>72</sup>

The recurring judicial harassment of prominent HRDs, as well as the systematic intimidation, and obstruction of the activities of less prominent HRDs contribute to an atmosphere of fear that stifles the exercise of fundamental freedoms.

### 3.4 Dissolution and deregistration of 32 political parties, including the CNRP

The RGC implemented recent amendments to the **Law on Political Parties** (See Key Milestone 1, Section 2.4) for a detailed legal analysis of the amendments) to dissolve ten political parties, including the main opposition CNRP, and deregister a further twenty-two parties, all in the space of less than two months.

On 2 October, the Mol removed twenty-two minor political parties from its official registry for failing to register and validate their active status, as required by the recent amendments to the Law on Political Parties.<sup>73</sup> On 15 November 2017, the Supreme Court dissolved nine political parties for their non-compliance with Article 31 of the Law on Political Parties, which requires political parties to send annual activity and financial reports, including bank details, to the Mol.<sup>74</sup>

The Supreme Court dissolved the CNRP on 16 November 2017,<sup>75</sup> and in the same ruling also banned 118 senior CNRP officials from participating in any political activity for five years. After the Supreme Court's decision, the National Election Committee redistributed the CNRP's parliamentary and commune-level seats to unelected members of the ruling party and other minor parties. The CNRP's 55 National Assembly seats,<sup>76</sup> 5,007 commune seats,<sup>77</sup>

<sup>70</sup> See RFA, 'Government-Aligned Unions Sue Chea Mony Over 'Appeal' For Sanctions Against Cambodia,' RFA, (19 December 2017), available at: <https://www.rfa.org/english/news/cambodia/sanctions-12192017170117.html>; 'Court summons union leader Chea Mony for second time,' The Phnom Penh Post, (24 January 2018), available at: <https://www.phnompenhpost.com/national/court-summons-union-leader-chea-mony-second-time>.

<sup>71</sup> Chea Vichea was the leader of the Free Trade Union of Workers of the Kingdom of Cambodia (FTUWKC), who was assassinated on 22 January 2004.

<sup>72</sup> Front Line Defenders, 'Chea Mony summoned by court, attacked and receiving death threats,' Front Line Defenders, (16 January 2018), available at: <https://www.frontlinedefenders.org/en/case/chea-mony-summoned-court-attacked-and-receiving-death-threats>.

<sup>73</sup> 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), available at: <http://akp.gov.kh/archives/110889>.

<sup>74</sup> These little-known parties included: The New Socialist Party, Rescue Party, Women's Party Neak, The Nationalist Party, Popular Socialist Party, Party Ponluseripheap Thach Ray, Liberal Party of Unification, and The Khmer Nation Party. Seng Baran, 'Mol removed 9 political parties from list,' Vayo, (15 November 2017), available at: <http://vayofm.com/news/detail/82068-485948443.html>; Mech Dara, 'Supreme Court ruling dissolves 9 small parties,' The Phnom Penh Post, (31 October 2017), available at: <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), available at: <https://www.khmertimeskh.com/5080574/nine-parties-face-closure/>.

<sup>75</sup> Ben Sokhean, Mech Dara and Ananth Baliga, 'Death of democracy': CNRP dissolved by Supreme Court ruling,' The Phnom Penh Post, (17 November 2017), available at: <https://www.phnompenhpost.com/national-post-depth-politics/death-democracy-cnrp-dissolved-supreme-court-ruling>.

<sup>76</sup> Ben Sokhean and Andrew Nachemson, 'Breaking: Lawmakers take CNRP seats after dissolution,' The Phnom Penh Post, (27 November 2017), available at: <https://www.phnompenhpost.com/national-politics/breaking-lawmakers-take-cnrp-seats-after-dissolution-0>.

<sup>77</sup> Leonie Kijewski and Khouth Sophak Chakrya, 'CPP big winner in local seat reallocation,' The Phnom Penh Post, (4 December 2017), available at: <https://www.phnompenhpost.com/national-politics/cpp-big-winner-local-seat-reallocation>.

86 provincial council seats, and 679 town and district council seats were redistributed. Almost all the local-level seats were allocated to the CPP.

International legal standards classify the suspension and the involuntarily dissolution of an association as among the most severe types of restrictions on freedom of association.<sup>78</sup> As a result, these actions are only permissible when there is a clear and imminent danger resulting in a flagrant violation of national law.<sup>79</sup> The dissolution of an association should also be strictly proportional to the legitimate aim pursued and used only when softer measures would be insufficient, as required by the ICCPR.<sup>80</sup> Since the dissolved political parties apparently posed no clear or imminent danger, the dissolution and deregistration of these 32 political parties failed to comply with international human rights law and standards.

### 3.5 Systematic harassment of former CNRP officials, including pressure to defect to the CPP

The FFMP recorded 76 incidents where the RGC harassed or intimidated CNRP members, officials, and supporters. 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.

For example, the former head of the CNRP in Kep province, claimed that after the dissolution of the CNRP police officers and “unidentified men” repeatedly harassed him and other local opposition officials who refused to join the CPP.<sup>81</sup>

The RGC has also attempted to restrict the political activities of prominent former CNRP officials through legal means. For example, in February 2018, The Mol filed a complaint to the Phnom Penh Municipal Court alleging that five prominent CNRP officials, Sam Rainsy, Tiolong Samura, Kem Monovithyea, Eng Chhay Eng, and Mu Sochua, violated the Supreme Court verdict banning 118 CNRP officials from politics by continuing to engage in political activities.<sup>82</sup>

Former CNRP officials have also faced harassment and sanctions aimed at preventing them from participating in work outside of politics. Former CNRP O’Cha commune chief was repeatedly threatened and harassed by CPP officials after opening a restaurant in Battambang. In January 2018, CPP lawmaker warned her on Facebook, “I saw those who supported the rebel movement go to the dumpling shop [...] it is really dangerous for Rozeth and it should not be tolerated.”<sup>83</sup> She also received police complaints that her restaurant causes excessive traffic and was instructed to report all foreign patrons to the police.<sup>84</sup>

---

<sup>78</sup> United Nations Human Rights Council, ‘Report of the Special Rapporteur on the freedom of peaceful assembly and of association, Maina Kiai’, (21 May 2012) para. 75.

<sup>79</sup> United Nations Human Rights Council, ‘Report of the Special Rapporteur on the freedom of peaceful assembly and of association, Maina Kiai’, (21 May 2012) para. 75.

<sup>80</sup> United Nations Human Rights Council, ‘Report of the Special Rapporteur on the freedom of peaceful assembly and of association, Maina Kiai’, (21 May 2012) para. 75.

<sup>81</sup> RFA, ‘Officials in Cambodia’s Kep Province Increasingly Pressured to Defect to Ruling Party,’ Radio Free Asia (5 December 2017), available at: <https://www.rfa.org/english/news/cambodia/defect-12052017151642.html> (He reported, “when two or three of us meet, we are closely watched. We are now restricted from our political life. We have been persecuted badly and we have been treated as traitors since our party was dissolved.”).

<sup>82</sup> Mech Dara and Erin Handley, ‘Interior Ministry files complaint against five banned opposition figures,’ The Phnom Penh Post, (15 February 2018), available at: <https://www.phnompenhpost.com/national/interior-ministry-files-complaint-against-five-banned-opposition-figures>; see also Chun Chan Son, ‘The government sued five senior opposition officials for illegal political activities,’ RFA, (15 February 2018), available at: <https://www.rfa.org/khmer/news/politics/govt-sue-cnrp-top-officials-02152018102251.html>.

<sup>83</sup> Soth Koemsoeun, ‘CPP lawmaker accuses Sin Rozeth of supporting Rainsy’s movement, using restaurant as front for political activity,’ The Phnom Penh Post, (29 January 2018), available at:

### 3.6 Individuals and organizations accused of participating in ‘color revolution’ subject to monitoring and harassment

Throughout Year Two, the RGC invoked a theory of a ‘color revolution,’ claiming that the political opposition and national and international civil society are conspiring to overthrow the Cambodian government with foreign support. The ‘color revolution’ was consistently used as a pretext to restrict and violate fundamental freedoms. Sixteen incidents were associated with accusations of participation in the alleged ‘color revolution’.<sup>85</sup> Some examples include:

- On 28 June 2017, Prime Minister Hun Sen ordered an investigation into the ‘Situation Room,’ a civil society election monitoring coalition, which he claimed was linked to the color revolution and was not registered with the Mol.<sup>86</sup> In July 2017, the Mol issued a letter sanctioning two group members, the Committee for Free and Fair Elections in Cambodia (COMFREL) and the Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC), and banned the coalition from monitoring future elections.<sup>87</sup>
- In November 2017, the Mol accused the Cambodian Center for Independent Media (CCIM) and COMFREL of participating in the color revolution, and stated they were being investigated and monitored.<sup>88</sup>
- In November 2017, Prime Minister Hun Sen ordered the Mol to investigate and potentially shut down the Cambodian Center for Human Rights (CCHR) for allegedly being created by foreigners and served foreign interests.<sup>89</sup> One week after threatening CCHR, the Prime Minister announced that the organization would not be shut down and that the Mol had found that CCHR had not violated any laws.<sup>90</sup>
- The Ministry of Foreign Affairs ordered the US-funded democracy promotion NGO, the National Democratic Institute (NDI), to shut down operations and leave Cambodia based on allegations that NDI assisted the political opposition in the color revolution. Article 34 of the LANGO allows the Ministry of Foreign Affairs to halt the

---

<https://www.phnompenhpost.com/national-politics/cpp-lawmaker-accuses-sin-rozeth-supporting-rainsys-movement-using-restaurant-front>.

<sup>84</sup> Soth Koemsoeun, ‘Joking ‘rebel’ sign at Sin Rozeth restaurant attracts governor’s warning,’ The Phnom Penh Post, (6 February 2018), available at: <http://www.phnompenhpost.com/national/joking-rebel-sign-sin-rozeth-restaurant-attracts-governors-warning>.

<sup>85</sup> IRCC013, IRCC016, IRCC034, See also ‘Sok Touch spins ‘revolt’ theory,’ Phnom Penh Post, (12 September 2017), available at: <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), available at: <http://www.rfa.org/khmer/news/politics/Hunsen-said-he-would-have-killed-cnrg-group-since-2013-11192017101317.html>.

<sup>86</sup> Ben Sokhean and Ben Pavious, ‘Interior Ministry Issues Stop-Order to Situation Room NGOs’ The Cambodia Daily, (5 July 2017), available at: <https://www.cambodiadaily.com/news/interior-ministry-issues-stop-order-to-situation-room-ngos-132133/>.

<sup>87</sup> Erin Handley, ‘Election Monitors Get Warning Over Law on Neutrality,’ Phnom Penh Post, (5 July 2017), available at: <https://www.phnompenhpost.com/national/election-monitors-get-warning-over-law-neutrality/>.

<sup>88</sup> Andrew Nachemson and Ben Sokhean, ‘Government ‘monitoring’ civil society organisations named in CNRP hearing,’ The Phnom Penh Post, (21 November 2017), available at: <https://www.phnompenhpost.com/politics/government-monitoring-civil-society-organisations-named-cnrg-hearing>.

<sup>89</sup> Ben Sokhean, ‘Breaking: PM says prominent human rights NGO ‘must close’,’ The Phnom Penh Post, (26 November 2017), available at: <https://www.phnompenhpost.com/national-politics/breaking-pm-says-prominent-human-rights-ngo-must-close>.

<sup>90</sup> Leonie Kijewski and Mech Dara, ‘Hun Sen: rights organisation CCHR will not be shut down,’ (3 December 2017), available at: <https://www.phnompenhpost.com/national-politics/hun-sen-rights-organisation-cchr-will-not-be-shut-down>.

activities of any international group lacking official registration.<sup>91</sup> Although NDI had submitted all required documentation for registration with the Ministry of Foreign Affairs, it had not been formerly registered.

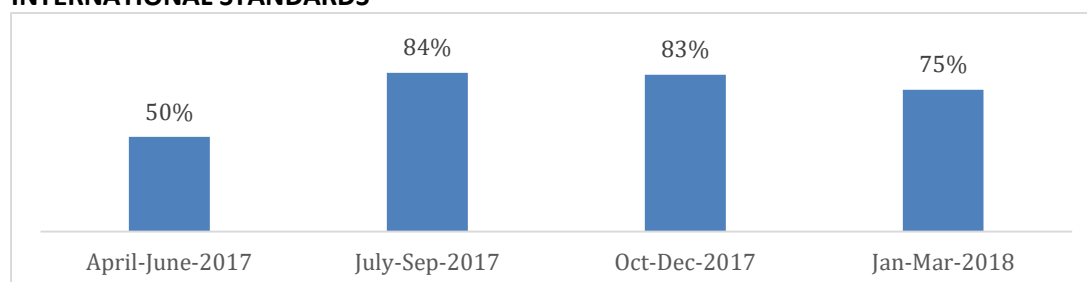
The RGC-supported theory of a ‘color revolution’ has provided a pretext for the suppression and harassment of those critical of Cambodia’s political and human rights situation. This narrative has at times been employed by local officials in rural Cambodia, as seen in the following example:

- In December 2017, the commune chief of Sdao commune in Stung Treng province accused 40 villagers of being color revolutionaries after the villagers blocked three trucks containing what they suspected as evidence of illegal logging.<sup>92</sup>

### 3.7 Excessive RGC oversight of CSO activities

International human rights law maintains that associations should be free to operate without excessive supervision or interference by government actors. Forms of excessive supervision include harassment by police during routine association activities, or onerous or intrusive reporting requirements that require associations to share sensitive or confidential information.<sup>93</sup> In April – June 2017, 50% of all instances of RGC supervision of associations violated international standards, and in July – September 2017, that number rose to 84%. This rate remained relatively stable in October – December 2017, at 83%, and dropped slightly to 75% in January – March 2018 (see Figure 14).

**FIGURE 14: PROPORTION OF CASES OF RGC OVERSIGHT OF ASSOCIATIONS VIOLATING INTERNATIONAL STANDARDS**



*Source: Media Monitoring and Incident Reporting Databases, May 2018*

As reported in Key Milestone 1 Section 2.1, the Mol issued a ministerial directive on 2 October requiring associations to notify local authorities three days in advance of any activities. Following the issuance of the new directive, the FFMP recorded a surge in cases of authorities halting activities due to a lack of prior notification or permission. There were nine such incidents in October – December 2017<sup>94</sup> and fourteen incidents in January –

<sup>91</sup> See Ananth Baliga and Niem Chheng, ‘Anonymous letters slam Cambodia’s NGOs,’ The Phnom Penh Post, (21 August 2017), available at: <http://www.phnompenhpost.com/national/anonymous-letters-slam-cambodias-ngos>; Ananth Baliga, ‘NDI to be shuttered, foreign staff expelled,’ Phnom Penh Post, (23 August 2017), available at: <http://www.phnompenhpost.com/national/breaking-ndi-be-shuttered-foreign-staff-expelled>; Ananth Baliga, ‘Ministry shuts NDI for Lango violations as US Embassy hits back,’ The Phnom Penh Post, (24 August 2017), available at: <http://www.phnompenhpost.com/national/ministry-shutters-ndi-lango-violations-us-embassy-hits-back>.

<sup>92</sup> Heng Sakal, ‘Authority accused people protest against forest logging are color revolution,’ RFA, (13 December 2017), available at: <https://www.rfa.org/khmer/news/environment/authority-accuse-people-protest-forest-are-color-revolution-12132017230922.html>.

<sup>93</sup> See United Nations Human Rights Council, A/HRC/20/27, ‘Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai,’ (21 May 2012), available at: [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf).

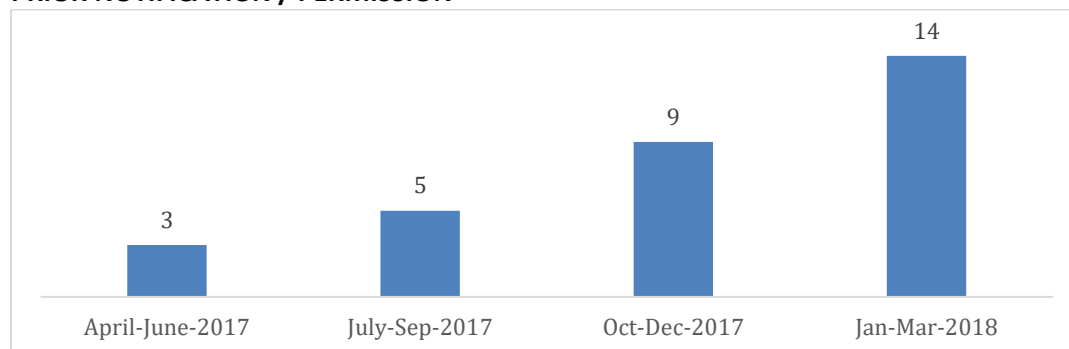
<sup>94</sup> Seven of these incidents came from incident reports: IRCC025, IRCC028, IRCC039, IRCC041, IRAD043, IRAD046, IRAD050.



## Fundamental Freedoms Monitoring Project

March 2018<sup>95</sup>, compared to three incidents in April – June 2017<sup>96</sup> and five incidents in July – September 2017<sup>97</sup> (see Figure 15).

**FIGURE 15: CASES OF RGC INTERFERENCE WITH ASSOCIATION ACTIVITIES DUE TO LACK OF PRIOR NOTIFICATION / PERMISSION**



Source: Media Monitoring and Incident Reporting Databases, May 2018

A few illustrative examples of interference with CSO activities are:

- On 3 October 2017, an NGO worker on mission in Koh Kong province reported that he was monitored, detained, and questioned by a commune chief and police chief while travelling to interview witnesses concerning the arrest of Mother Nature Cambodia activists Doem Kundy and Hun Vannak. The police chief told him that in the future he must inform him about his activities at least two days in advance.<sup>98</sup>
- In January and February 2018, 27 community empowerment training sessions led by a human rights NGO in five provinces were monitored by local authorities, who asked NGO staff if they had received prior permission to hold the event. Authorities took videos and photographs of participants and recorded their names.<sup>99</sup>
- On 25 February 2018, seven commune police officers in Tbong Khmum province asked two NGOs for proof of approval to distribute documents while campaigning on behalf of social accountability. Though the police eventually allowed the NGOs to continue their document distribution after 30 minutes, the NGOs' drivers were too afraid to continue driving after the police intervention.<sup>100</sup>

The Mol's new system of prior notification for association activities has had significant ramifications for the Cambodian population's ability to exercise fundamental freedoms. The request for prior notification of association activities appears to operate in practice as a de-facto system of prior permission. It not only limits the fundamental freedoms of those working with associations, but also all those who come into contact with them.

After being threatened with closure,<sup>101</sup> CCHR was monitored on several occasions: Uniformed soldiers and plainclothes police were witnessed surveilling CCHR's office on 16,

<sup>95</sup> Eleven of these incidents came from incident reports: IRCC042, IRCC044, IRCC047, IRCC051, IRCC052, IRSC028, IRAD054, IRAD055, IRAD056, IRAD058, IRAD060.

<sup>96</sup> One incident came from an incident report: IRCC004.

<sup>97</sup> Four of these incidents came from incidents reports: IRCC015, IRAD023, IRAD035, IRAD037.

<sup>98</sup> IRAD045.

<sup>99</sup> IRAD057-IRAD083.

<sup>100</sup> IRAD055.

<sup>101</sup> The week after accusing CCHR of serving foreign interests, Prime Minister Hun Sen announced that the organization would not be shut down and that the Ministry of Interior had found that CCHR had not violated any laws. See Leonie Kijewski and Mech Dara, 'Hun Sen: rights organisation CCHR will not be shut down,' (3 December 2017), available at: <https://www.phnompenhpost.com/national-politics/hun-sen-rights-organisation-cchr-will-not-be-shut-down>.

## Fundamental Freedoms Monitoring Project

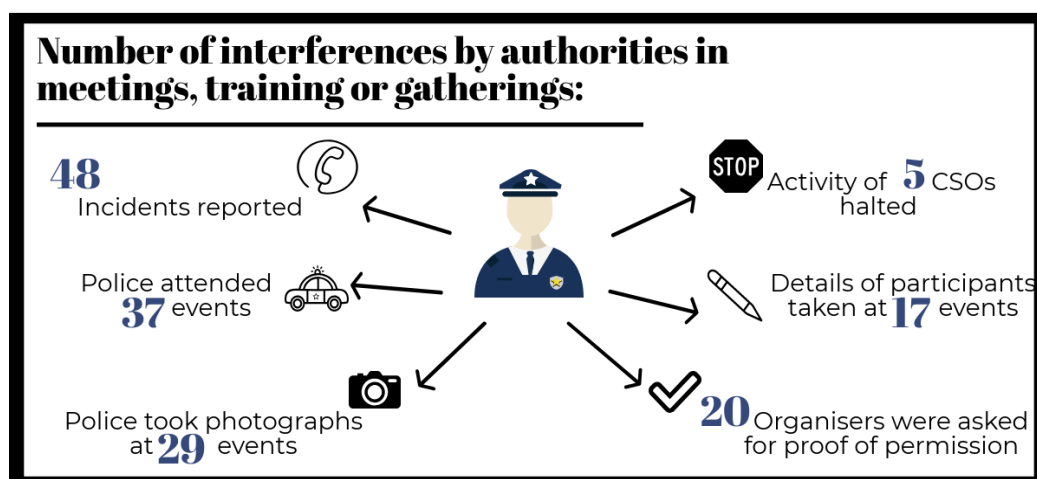
17<sup>102</sup> and 21 November 2017.<sup>103</sup> Police attended an event at CCHR's office to celebrate International Human Rights Day on 8 December 2017. Some watched the office and took photographs.<sup>104</sup> The RGC monitored five Borei Keila community members who visited CCHR's office in Phnom Penh on the morning of 12 December 2017.<sup>105</sup>

Police officers have also targeted, monitored, and intimidated individual association leaders:

In November 2017, police officers closely monitored a union leader while he was sitting in a restaurant with his son in Phnom Penh and for two hours after he left the restaurant.<sup>106</sup> A prominent NGO staff member reported that a police officer monitored his activities from morning until late at night from 5 to 7 February 2018 and took a photograph of him while he was having breakfast near his office in Phnom Penh.<sup>107</sup>

The offices of several NGOs were investigated in November to ensure they were not housing potential protestors. In the two days leading up to the Supreme Court's decision to dissolve the CNRP on 16 November, armed officers checked the offices of many NGOs and trade unions in Phnom Penh, including CCHR,<sup>108</sup> LICADHO<sup>109</sup>, ADHOC,<sup>110</sup> the Kem Ley Library,<sup>111</sup> The Cambodian Youth Network (CYN), the Independent Democracy of Informal Economy Association (IDEA),<sup>112</sup> and the Cambodian Food and Service Workers Federation (CSFWF). Other organizations were questioned by authorities via phone.<sup>113</sup>

Authorities frequently interrupted associations' meetings, trainings, protests, or celebratory gatherings. The FFMP received 48 incident reports detailing such interruptions.



On multiple occasions, CSOs had received permission to conduct an activity, but were then prevented from carrying out the activity because they had not also received permission from higher-level authorities.<sup>114</sup>

<sup>102</sup> IRCC022.

<sup>103</sup> IRCC023.

<sup>104</sup> IRCC025.

<sup>105</sup> IRCC026.

<sup>106</sup> IRCC045.

<sup>107</sup> IRCC048.

<sup>108</sup> IRCC019.

<sup>109</sup> IRCC020.

<sup>110</sup> IRAD051.

<sup>111</sup> IRCC036.

<sup>112</sup> IRCC021.

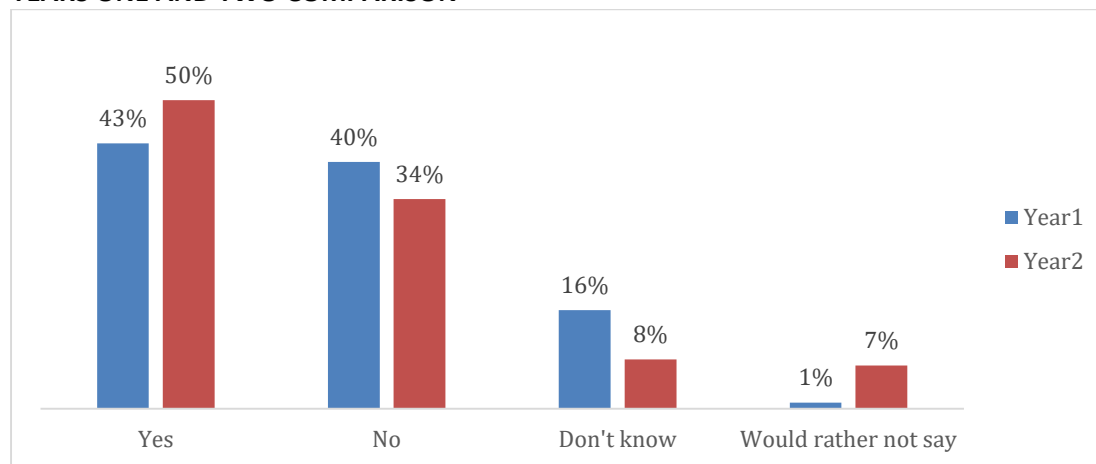
<sup>113</sup> IRCC028.

<sup>114</sup> IRAD050; IRCC052.

## Fundamental Freedoms Monitoring Project

Additional data collected by the FFMP confirms the prevalence of these interferences; Media Monitoring recorded 182 incidents of RGC oversight of associations violating international standards. CSO/TU Leaders surveyed also confirmed their belief in the prevalence of the RGC monitoring of CSO activities (see Figure 16).

**FIGURE 16: CSO/TU LEADERS WHO PERCEIVE GOVERNMENT MONITORING OF ACTIVITIES, YEARS ONE AND TWO COMPARISON**



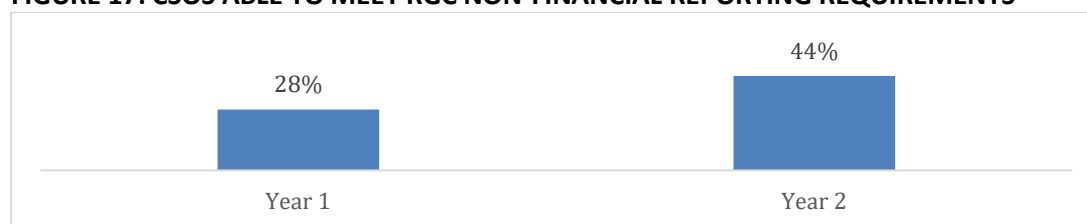
Source: FFMP CSO/TU Survey, December 2017 and December 2016

### 3.8 Many CSOs unable to meet reporting requirements under LANGO and TUL

Though the LANGO was enacted in mid-2015, the RGC did not begin to enforce its activity and financial reporting requirements until September 2017.<sup>115</sup> In early November, it was reported that out of the 5,199 total associations and NGOs registered with the Interior Ministry's Department of Associations and Political Parties, only 621 had submitted any documentation.<sup>116</sup> In December, the Mol threatened non-compliant associations with legal action if they failed to submit documents and reports required under the LANGO by the end of February 2018.<sup>117</sup>

In the CSO/TU Leader Survey, 36% of respondents stated that their CSO was unable to meet the non-financial reporting requirements set by the RGC. This is a decrease from Year One (see Figure 17).<sup>118</sup>

**FIGURE 17: CSOS ABLE TO MEET RGC NON-FINANCIAL REPORTING REQUIREMENTS**



Source: FFMP CSO/TU Survey, December 2017

<sup>115</sup> Ananth Baliga and Niem Chheng, 'NGOs parse LANGO warning', Phnom Penh Post, (7 July 2017), available at: <http://www.phnompenhpost.com/national/ngos-parse-lango-warning>.

<sup>116</sup> Kong Meta and Leonie Kijewski, 'Few NGOs compliant with law', The Phnom Penh Post, (2 November 2017), available at: <http://www.phnompenhpost.com/national/few-ngos-compliant-law>.

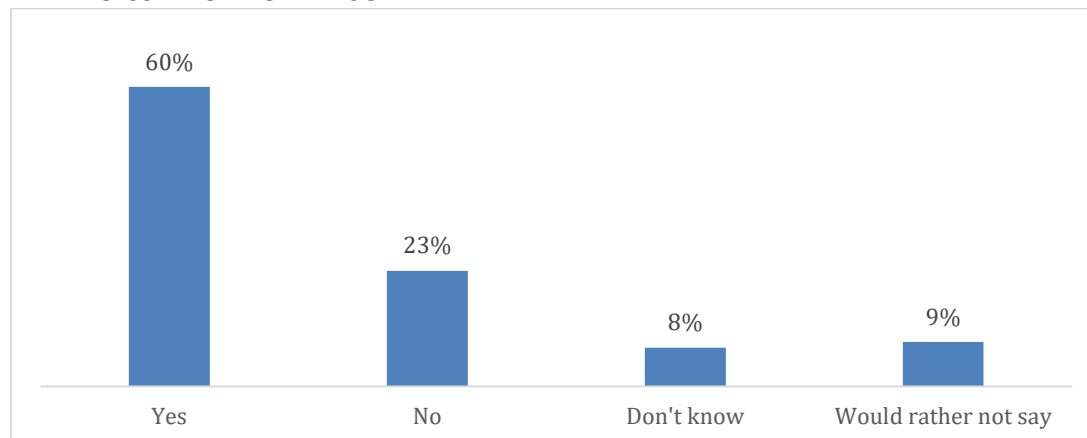
<sup>117</sup> Soth Koemsoeun, 'Ministry warns Lango delinquents to comply', The Phnom Penh Post, (December 13, 2017), available at: <https://www.phnompenhpost.com/national/ministry-warns-lango-delinquents-comply>. The Mol statement read, "In the case that an association or a local non-governmental organisation fails to comply with the conditions set out above, the Ministry of Interior will take legal actions..."

<sup>118</sup> Note: This decrease is likely because LANGO reporting requirements had not yet been enforced by the RGC at the time the Year One survey was conducted.

## Fundamental Freedoms Monitoring Project

Even though more CSOs reported meeting the non-financial reporting requirements, 60% of all the respondents stated that the non-financial reporting requirements were excessive and burdensome (see Figure 18).

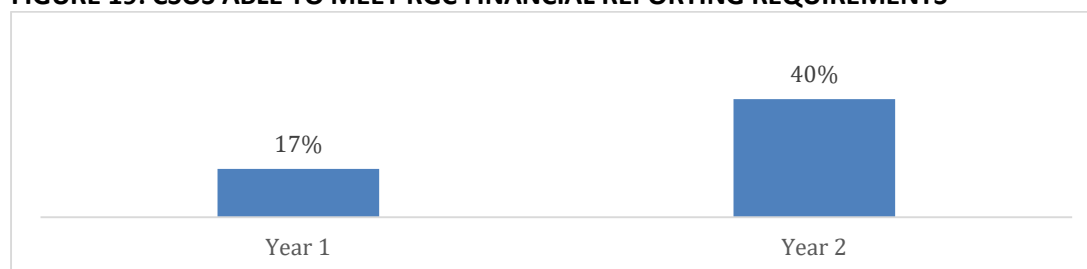
**FIGURE 18: CSOS WHO BELIEVE THAT RGC NON-FINANCIAL REPORTING REQUIREMENTS ARE EXCESSIVE OR BURDENSOME**



Source: FFMP CSO/TU Survey, December 2017

In the CSO/TU Leader Survey, 40% of respondents that their CSO was unable to complete the financial reports in accordance with RGC requirements. As shown in the non-financial reporting requirements, the survey data illustrates that more respondents able to complete the reports in Year Two than in Year One (see Figure 19).

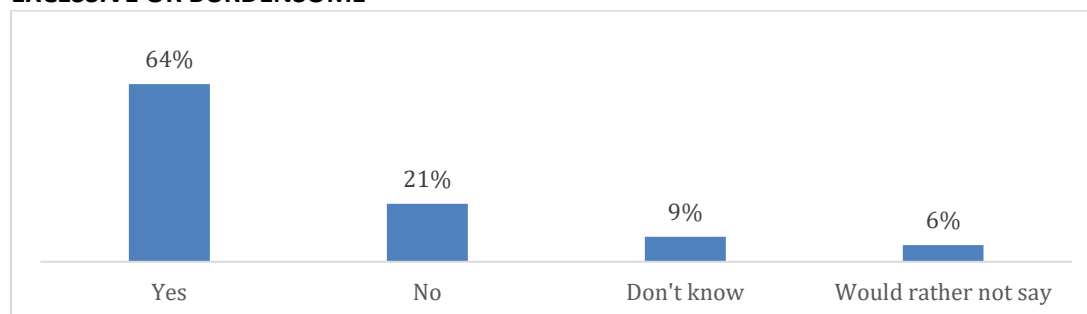
**FIGURE 19: CSOS ABLE TO MEET RGC FINANCIAL REPORTING REQUIREMENTS**



Source: FFMP CSO/TU Survey, December 2017

Even though more CSOs reported meeting the financial reporting requirements compared to Year One, 64% of all the respondents stated that the financial reporting requirements were excessive and too burdensome (see Figure 20).

**FIGURE 20: CSOS WHO BELIEVE THAT RGC FINANCIAL REPORTING REQUIREMENTS ARE EXCESSIVE OR BURDENSOME**



Source: FFMP CSO/TU Survey, December 2017

### 3.9 Multiple CSOs sanctioned under LANGO

In Year Two, the RGC began to invoke the LANGO's sanction provisions against a number of critical and outspoken CSOs.

On 28 September, the MoI issued an order to “temporarily suspend Equitable Cambodia's (EC's) activities for thirty working days” for allegedly violating Article 5 of its own by-laws and Articles 10 and 25 of the LANGO.<sup>119</sup> The MoI also ordered EC to submit its bank account statements, and its activity and financial reports.<sup>120</sup> The MoI declared that EC had to wait until the RGC provided explicit approval to resume their operations<sup>121</sup>—a misapplication of the LANGO, which provides no requirement to receive explicit approval to resume operations. The NGO was extra-legally barred from resuming activities until February 2018, months after its initial 30-day suspension had ended.<sup>122</sup>

In early November 2017, it was reported that the MoI suspended the Federation of Cambodian Intellectuals and Students for 60 working days, one week after the organization's leader was summoned by the Phnom Penh Municipal Court for calling for peaceful protests if the CNRP were dissolved. The MoI claimed the organization had failed to maintain political neutrality, as required in Article 24 of the LANGO, and subsequently suspended the organization under Article 30.<sup>123</sup>

On 15 September 2017, the MoI announced the de-registration of the environmental NGO Mother Nature after it had requested that it be removed from the NGO registry. After Mother Nature's deregistration, Mother Nature activists vowed to continue their activism as an informal movement, and RGC actors responded by stating that Mother Nature activists would face legal action if they continued their activities.<sup>124</sup>

### 3.10 Unions have mixed experiences when attempting to register under Union Law

Trade unions are required to register pursuant to the Trade Union Law – enacted in 2016<sup>125</sup> – and Prakas No. 249/16, ‘The Registration of Trade Unions and Employer's Associations’, in 2016.<sup>126</sup> The FFMP's Trade Union Registration Evaluation Tool (the Evaluation Tool) recorded the experiences of 72 trade unions as they attempted to register under these regulations. Among the 72, 33 trade unions were successfully registered in Year Two, and only two were ultimately rejected. The other 37 applications were still pending at the end of Year Two.

The Evaluation Tool revealed certain trends in the types of obstacles faced by trade unions during the registration process. 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

---

<sup>119</sup> Ben Sokhean and Kong Meta, ‘Land Rights NGO suspended,’ The Phnom Penh Post, (29 September 2017), available at: <https://www.phnompenhpost.com/national/land-rights-ngo-suspended>.

<sup>120</sup> Kong Meta and Leonie Kijewski ‘Sugar Firm Denies Role in Suspending NGO,’ Phnom Penh Post, (2 October 2017), available at: <https://www.phnompenhpost.com/national/sugar-firm-denies-role-suspending-ngo>.

<sup>121</sup> Kong Meta and Leonie Kijewski, ‘Land rights organization in Lango limbo,’ The Phnom Penh Post, (17 November 2017), available at: <https://www.phnompenhpost.com/national/land-rights-organisation-lango-limbo>.

<sup>122</sup> Mom Sophon, ‘Land rights NGO given green light to resume its operations,’ Khmer Times, 26 February 2018, available at: <http://www.khmertimeskh.com/50110492/land-rights-ngo-given-green-light-resume-operations/>.

<sup>123</sup> Soth Koemsoeun and Andrew Nachemson, ‘Student group suspended for ‘violating law on NGOs’,’ The Phnom Penh Post, (November 1, 2017), available at: <https://www.phnompenhpost.com/national/student-group-suspended-violating-law-ngos>.

<sup>124</sup> IRAD047.

<sup>125</sup> 2016 Law on Trade Unions available at: <https://www.arbitrationcouncil.org/uploads/afca9-trade-union-law-promulgated-17may2016-eng.pdf>.

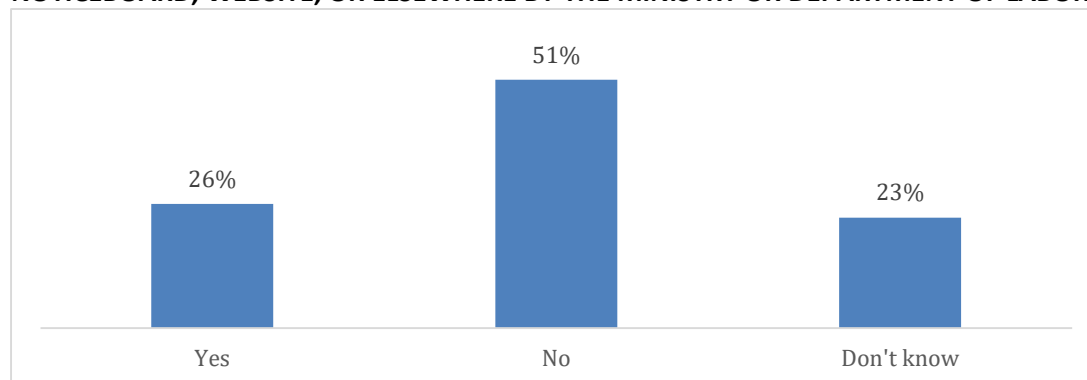
<sup>126</sup> Prakas No. 249/16, ‘The Registration of Trade Unions and Employer's Associations,’ available at: <http://www.arbitrationcouncil.org/en/resources/labour-law-and-regulations/prakas>.

## Fundamental Freedoms Monitoring Project

alongside their registration forms. These documents 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 (NSSF) documentation, minutes from the trade union's leadership elections, a trade union statute or constitution, a list of names of those who attended the trade union's election, amongst others. Notably, every trade union reported being asked to provide further documentation after their initial application. Each of the 37 unions with pending applications stated that their delays were due to minor issues, including the application's formatting, the application's font, and/or 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 if registration process was advertised in an adequately visible location, only 26% of respondents answered "Yes"; 51% answered "No", and 23% said they were unsure (see Figure 21).

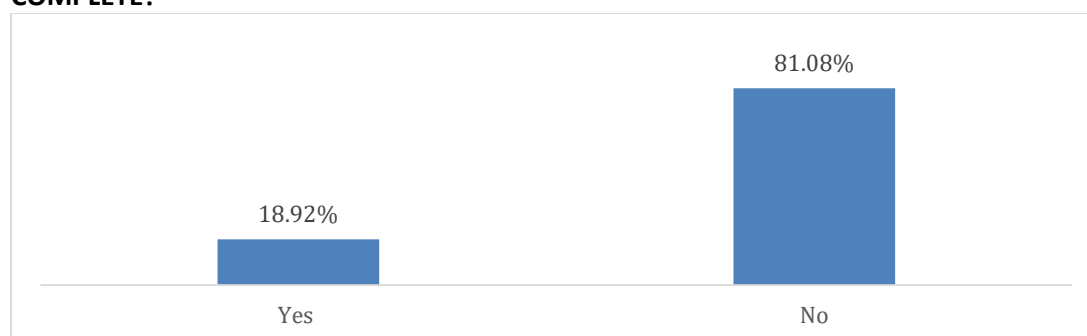
**FIGURE 21: "WAS THE PROCESS OF REGISTRATION ADVERTISED ON A PAMPHLET, NOTICEBOARD, WEBSITE, OR ELSEWHERE BY THE MINISTRY OR DEPARTMENT OF LABOR?"**



Source: FFMP Trade Union Registration Evaluation April 2017 – March 2018

The extent to which the registration form hindered trade unions' ability to complete the registration process is demonstrated by respondents' answers to the question, 'Did you find the registration form easy to complete?': 81.08% answered "No" (see Figure 22).

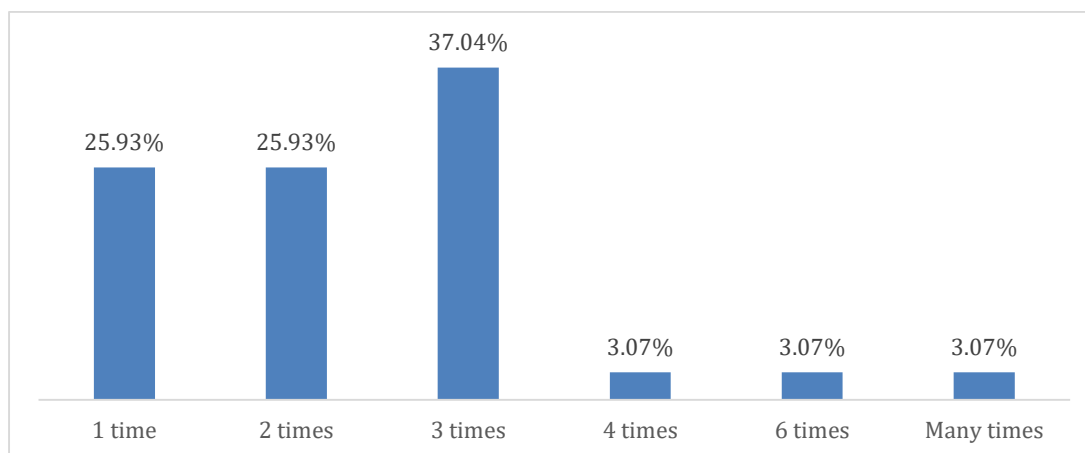
**FIGURE 22: "WAS THE REQUEST FOR REGISTRATION OF A LOCAL UNION FORM EASY TO COMPLETE?"**



Source: FFMP Trade Union Registration Evaluation April 2017 – March 2018

This data demonstrates that many trade unions attempting to register with the RGC found their paths obstructed by administrative requirements and received insufficient guidance on how to navigate the complex process. This finding is further evidenced by the fact that 74.07% of trade unions reported having to make multiple attempts before finally completing registration, with 46.25% trying 3 or more times (see Figure 23).

**FIGURE 23: “HOW MANY TIMES HAVE YOU TRIED TO REGISTER YOUR TRADE UNION?”**



Source: FFMP Trade Union Registration Evaluation April 2017 – March 2018

In addition to the data from the Trade Union Registration Evaluation Tool, the FFMP received eleven incident reports from other trade unions that noted irregularities with their trade union registration applications. These irregularities included several delays, which impacted the union’s ability to operate and hampered its members’ abilities to exercise their freedom of association. Common difficulties prolonging trade union registration included provincial labor departments’ extended delays in returning applications, employers obstructing registration efforts, and the refusal by the Ministry of Labor and Vocational Training (MLVT) or its provincial departments to process applications with small administrative mistakes, including typos, incorrect font usage, or incorrect factory addresses. Representative examples of these delays include:

- A seven-month delay in registration due to the Siem Reap provincial labor department’s repeated requests to correct mistakes made on the application.<sup>127</sup>
- Attempts to form a union at Ro Sing Garment factory in Phnom Penh in October and November 2017 were rejected after the factory claimed it had not received information that workers wished to unionize. The administrative chief of the factory later told the union president that he needed to abandon his attempt to unionize the workforce to keep his job.<sup>128</sup>
- A union representative submitted union registration documents to the Siem Reap Provincial Labor Department in January 2018, and did not learn of any mistakes in its application until one month later, despite the fact that the governing regulations require that any amendments be requested by the authorities within 15 working days. After quickly correcting its bylaws in mid-February in compliance with the Labor Department’s request, the union did not hear any update on the status of its application until 21 March 2018, when it received an official denial.<sup>129</sup>

### 3.11 Freedom of expression is increasingly restricted online

A noticeable trend throughout Year Two has been the increased attention paid by the RGC to critical social media commentary, leading to a corresponding increase in arrests, charges, and violations of freedom of expression for online speech. The FFMP recorded 28 violations of freedom of expression in April – June 2017, 55 violations in July – September 2017, 35 violations in October – December 2017, and 69 violations in January – March 2018.

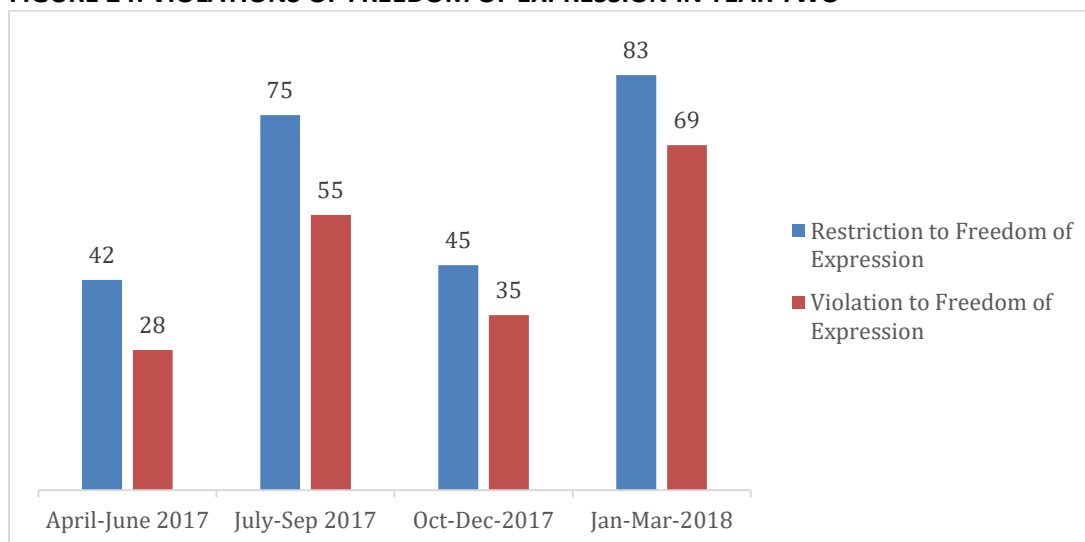
<sup>127</sup> IRSC015.

<sup>128</sup> IRSC013.

<sup>129</sup> IRSC025.



**FIGURE 24: VIOLATIONS OF FREEDOM OF EXPRESSION IN YEAR TWO**



Source: Media Monitoring and Incident Reporting Databases, May 2018

In April – June 2017, 25% of violations of the right to freedom of expression by the RGC were related to speech made online. In July – September 2017, 27% of violations of the right to freedom of expression by the RGC were related to speech made online, in October-December 2017, this proportion decreased slightly to 23%.

The vast majority of these acts of online expression were made through posts on Facebook and were punished by the RGC through charges of insult and incitement. Illustrative examples include:

- In June 2017, Kampong Speu labor activist Sam Sokha was charged in absentia to a two-year term for ‘incitement to discriminate’ and ‘insult of a public official’ (criminalized respectively in Article 496 and Article 502 of the Criminal Code) after a video of her throwing sandals at a CPP billboard was posted to Facebook.<sup>130</sup>
- On 22 June 2017, monk Horn Sophanny was arrested after posting a photo of himself posing with a plastic gun on Facebook. In December 2017, Horn Sophanny was convicted for ‘incitement to commit a felony’ under Article 495 of the Penal Code, defrocked, and sentenced to two years imprisonment and a \$2,500 fine.
- In January 2018, Hin Vansreyrov was sentenced to a year in prison for ‘incitement to commit a felony’ under Article 495 of the Penal Code, and fined one million riel (about \$250) for making a live Facebook video post in July 2017 in which she accused Prime Minister Hun Sen of being responsible for the murder of political analyst Kem Ley.<sup>131</sup>
- Journalist Chhun Ly was summoned to appear at Mondulkiri Provincial Court for allegations that she defamed the director of the provincial Department of Mines

<sup>130</sup> Ananth Baliga and Khouth Sophak Chakrya, ‘Shoe thrower’ Sam Sokha deported from Thailand,’ The Phnom Penh Post, (8 February 2018), available at: <http://phnompenhpost.com/national/shoe-thrower-sam-sokha-deported-thailand>.

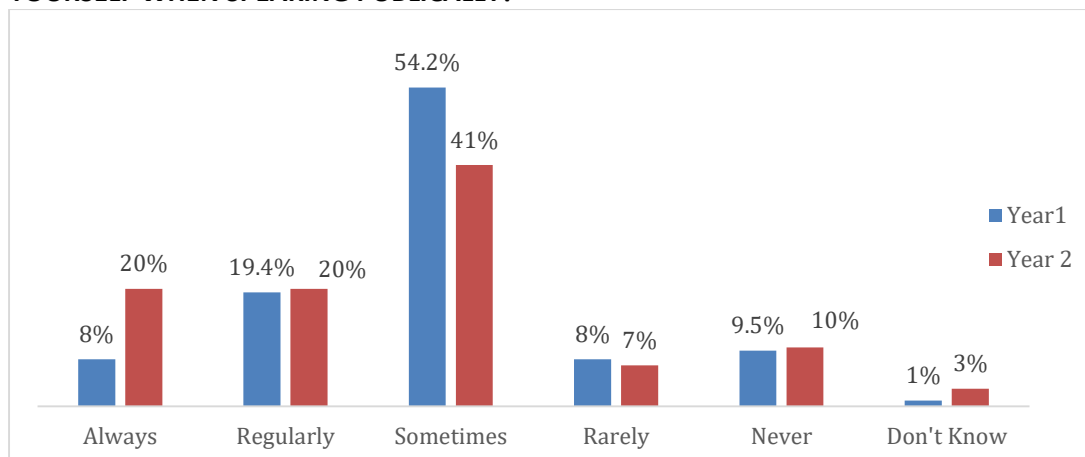
<sup>131</sup> Niem Chheng, ‘Woman who accused Hun Sen of Kem Ley assassination on Facebook sentenced,’ The Phnom Penh Post, (11 January 2018), available at: <http://www.phnompenhpost.com/national/woman-who-accused-hun-sen-kem-ley-assassination-facebook-sentenced>.

## Fundamental Freedoms Monitoring Project

and Energy, Mr. San Darith by making comments made on Facebook about Mr. Darith receiving bribes from mining traders.<sup>132</sup>

Results from the CSO/TU Leader Survey also suggest an increasingly oppressive environment for freedom of expression online. The Survey revealed that 20% of CSOs/TUs “Always” practiced self-censorship, an increase from 8% of respondents in Year One (see Figure 25).

**FIGURE 25: "IN THE LAST YEAR, HOW OFTEN HAVE YOU FELT IT NECESSARY TO CENSOR YOURSELF WHEN SPEAKING PUBLICALLY?"**



Source: FFMP CSO/TU Survey, December 2017

### 3.12 Media outlets arbitrarily shut down and sanctioned

In Year Two, three major media outlets were shut down, sanctioned, or disbanded through the RGC's use of administrative sanctions.<sup>133</sup> According to international human rights law, restrictions on the expression of information through free media may only take place in exceptional circumstances,<sup>134</sup> and may never be invoked for the sake of silencing advocacy on behalf of multi-party democracy, democracy, and human rights.<sup>135</sup>

On 5 August 2017, tax authorities issued the *The Cambodia Daily* a US \$6.3 million tax bill without a prior audit or legal proceedings.<sup>136</sup> *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."<sup>137</sup>

On 11 August, the Ministry of Economy and Finance requested that the MoI take action against Radio Free Asia (RFA) and Voice of America (VOA) for alleged tax violations and for

<sup>132</sup> Pech Sotheary, 'Journalist accused of defamation', Khmer Times, (20 October 2017), available at: <https://www.khmertimeskh.com/5087026/journalist-accused-defamation/>.

<sup>133</sup> Ananth Baliga, Mech Dara and Niem Chheng, 'RFA Shuts Down Cambodia Operations,' Phnom Penh Post, (12 Sep 2017), available at: <https://www.phnompenhpost.com/national/rfa-shuts-down-cambodia-operations-amid-media-crackdown>; Niem Chheng, 'Daily Directors Barred from Leaving Country,' Phnom Penh Post, 5 Sep 2017, available at: <https://www.phnompenhpost.com/national/daily-directors-barred-leaving-country>; Niem Chheng and Ananth Baliga 'Radio Station Booted Off Air', Phnom Penh Post, 24 Aug 2017, available at: <https://www.phnompenhpost.com/national/radio-station-booted-air>.

<sup>134</sup> See Key Milestone One for a more extensive explanation of these international legal standards.

<sup>135</sup> UN CCPR Human Rights Committee, General Comment 34 (Article 19), UN Doc CCPR/C/GC/34, 12 Sep 2011, para. 23, available at: <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.

<sup>136</sup> Phak Seangly and Shaun Turton, 'Cambodia Daily slapped with huge tax bill,' The Phnom Penh Post, (7 August 2017), available at: <https://www.phnompenhpost.com/national/cambodia-daily-slapped-huge-tax-bill>.

<sup>137</sup> 'The Cambodia Daily to Close After 24 Years,' The Cambodia Daily, (3 September 2017), available at: <https://webcache.googleusercontent.com/search?q=cache:nNxesXHrz78J:https://www.cambodiadaily.com/cambodia-daily-close-24-years/+&cd=1&hl=km&ct=clnk&gl=kh>.

failing to have proper media licenses.<sup>138 139</sup> Over the next few weeks, the RGC shut down 32 FM radio frequencies broadcasting RFA and VOA across twenty provinces, under the pretext that the stations had failed to comply with administrative regulations.<sup>140</sup> The Ministry of Information also closed several radio frequencies broadcasting programs by Voice of Democracy, citing its “violation of the ministry’s announcement regarding business matters.”<sup>141</sup> On 11 September 2017, RFA decided to close its Phnom Penh bureau in response to “increasingly threatening and intimidating rhetoric,” as part of “the government’s relentless crackdown on independent voices.”<sup>142</sup>

### 3.13 Association leaders increasingly believe their communications are subject to extra-legal surveillance

CSOs and political figures have experienced communications surveillance, apparently without proper authorization, in violation of international standards for freedom of expression.

In one high-profile example from October 2017, a pro-government Facebook page published a recording of a conversation between former Funcinpec officials Lu Lay Sreng and Ky Lum Ang without any reported judicial oversight or authorization, in violation of Cambodian law.<sup>143</sup> The recording was ultimately used to convict Lu Lay Sreng for defamation.

Data from the CSO/TU Leader Survey revealed high levels of perceived communication surveillance among association leaders. 44% of respondents reported that they believed their communications had been monitored. The responses reveal a marked increase in perceived surveillance compared with Year One (see Figure 26).

---

<sup>138</sup> According to Reporters Without Borders and CCIM, “Instead of establishing and entrusting an independent media authority, the Ministry of Information is the sole authority to officially allocate and revoke licenses in an opaque process. Opaque means that the minister is to decide which media exist and does not, he does not have to justify his decision or to base it on objective criteria”, Media Ownership Monitor: Cambodia, 2017, RSF and CCIM, available at: <https://cambodia.mom-rsf.org/en/findings/media-regulation/>.

<sup>139</sup> Niem Chheng and Ananth Baliga, ‘After Cambodia Daily’s \$6M bill, tax authority targets RFA, VOA,’ The Phnom Penh Post, (14 August 2017), available at: <https://www.phnompenhpost.com/national/after-cambodia-dailys-6m-bill-tax-authority-targets-rfa-voa>.

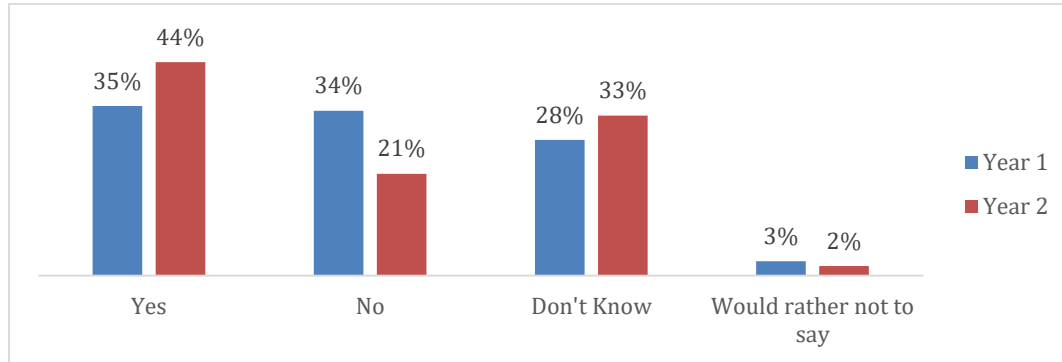
<sup>140</sup> See Joshua Lipes, ‘Cambodia Denies Radio Closures Tied to US Broadcasters’, RFA, (24 August 2017), available at: <http://www.rfa.org/english/news/cambodia/closures-08242017163725.html>. See also ‘Restricting Critical Voices on Cambodian Airways,’ LICADHO, (September 9, 2017), available at: <http://www.licadho-cambodia.org/articles/20170909/148/index.html>.

<sup>141</sup> Joshua Lipes, ‘Cambodia Denies Radio Closures Tied to US Broadcasters’, Radio Free Asia, (24 August 2017), available at: <https://www.rfa.org/english/news/cambodia/closures-08242017163725.html>; see also, Ananth Baliga, ‘International groups slam NGO and media closures,’ The Phnom Penh Post, (28 August 2017), available at: <https://www.phnompenhpost.com/national/international-groups-slam-ngo-and-media-closures>.

<sup>142</sup> RFA, ‘RFA Closes Phnom Penh Bureau Amid Crackdown by Hun Sen,’ Radio Free Asia, (September 12, 2017), available at: <https://www.rfa.org/english/news/cambodia/crackdown-raf-09122017084157.html/>.

<sup>143</sup> Law on Telecommunications, Article 97.

**FIGURE 26: CSOS WHO BELIEVE THEIR COMMUNICATIONS ARE BEING MONITORED**



Source: FFMP CSO/TU Survey, December 2017

### 3.14 Strikes and workers' demonstrations sometimes result in employee dismissals, use of force, criminal charges, and injuries

Thirty-seven strikes were recorded in Year Two of the FFMP. Five of these strikes resulted in violations of fundamental freedoms, which are detailed below:

- In December, 100 garment workers protested in front of the Pou Yuen factory while a Royal Cambodian Armed Forces (RCAF) soldier in uniform reportedly sat in the company security booth at the protest with a gun. One worker reported that the security guards had been rough with protesters. *"When they hire soldiers like this, it makes it difficult for us,"* Ham said, *"We find it hard to protest."*<sup>144</sup>
- In October, 100 Conch Cement Company employees protested outside the factory to demand their wages from September. The protest resulted in a violent confrontation between the company manager's supporters and representatives of the workers; three workers were injured.<sup>145</sup>
- On 4 July 2017, a man was ordered to appear at Kampong Cham provincial court for 'incitement to commit a felony' after he joined a strike to demand a minimum wage of \$160.<sup>146</sup>
- On 14 February 2018, four union leaders were arrested and charged with organizing an illegal strike in Kandal province at the Cosmo Textile Factory.<sup>147</sup>
- On 8 June, Phnom Penh's Southland garment factory fired ten workers for their alleged involvement in organizing a 1,000 worker strike on the day of the Commune Council elections.<sup>148</sup>

### 3.15 Protests over land disputes result in violations of fundamental freedoms

Year Two of the FFMP found that 33% of all land dispute-related incidents resulted in violations of fundamental freedoms (57 violations among 173 relevant incidents). There

<sup>144</sup> Mech Dara, 'Workers protest over 'RCAF' factory guards,' The Phnom Penh Post, (27 December 2017), available at: <http://www.phnompenhpost.com/national/workers-protest-over-rcaf-factory-guards>.

<sup>145</sup> Khouth Sophak Chakrya, 'Stuck in cement scuffle,' Phnom Penh Post, (17 October 2017), available at: <http://www.phnompenhpost.com/national/stuck-cement-scuffle>.

<sup>146</sup> IRSC006.

<sup>147</sup> Pech Sotheary, 'Workers demand release of jailed union leaders,' Khmer Times, (14 February 2018), available at: <http://www.khmertimeskh.com/50108443/workers-demand-release-jailed-union-leaders/>.

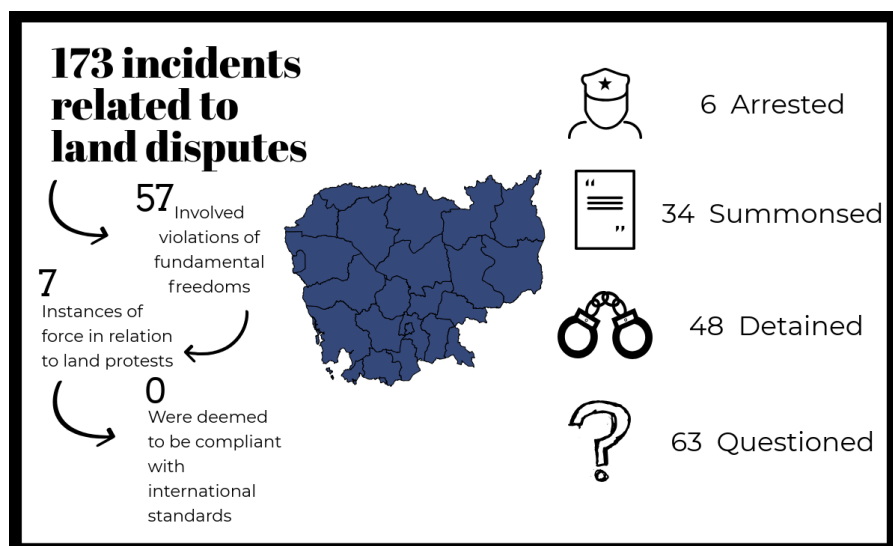
<sup>148</sup> Sen David, 'Unionists sacked in poll leave protest', Khmer Times, (8 June 2017), available at: <https://www.khmertimeskh.com/news/39150/unionists-sacked-in-poll-leave-protest/>.

## Fundamental Freedoms Monitoring Project

were seven instances of state use of force in relation to land protests, none of which were compliant with international standards. Many legal actions were recorded: six individuals were arrested in relation to land protests, 34 summoned, 48 detained, and 63 questioned.

An illustrative example concerns Phnom Penh's Borei Keila community. The Phanimex company was granted a land concession in Borei Keila neighborhood in 2003. In January 2012, Phanimex forcibly evicted 300 remaining families. Borei Keila residents have continued to protest for Phanimex to provide them with adequate compensation. Several restrictions and violations of fundamental freedoms occurred during these protests:

- In January 2018, two Borei Keila residents were dragged away by security personnel while attempting to deliver a petition to Prime Minister Hun Sen.<sup>149</sup>
- Also in January, Phnom Penh authorities reportedly threatened legal action if Borei Keila residents continued to protest.<sup>150</sup>
- In February 2018, Phnom Penh authorities warned the residents they would be arrested if they continued to protest and characterized the protests as illegal.<sup>151</sup>
- In late February, district security guards beat residents for continuing to protest.<sup>152</sup>
- On 20 March, Borei Keila resident Phork Sophin was ordered to appear for questioning at the MoI after the owner of Phanimex submitted a complaint about his protests.<sup>153</sup>
- On 22 March, another Borei Keila protestor was threatened with legal action.<sup>154</sup>



<sup>149</sup> 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), available at: <http://www.phnompenhpost.com/national/hun-sen-uses-victory-over-genocide-day-focus-colour-revolutions>.

<sup>150</sup> Heng Sakol, 'No result for Borey Keila community', RFA, (10 January 2018), available at: <http://www.rfa.org/khmer/news/land/no-result-for-borey-keila-01102018103814.html>.

<sup>151</sup> Leonie Kijewski, 'Borei Keila members told to stop protests', The Phnom Penh Post, (2 February 2018), available at: <http://www.phnompenhpost.com/national/borei-keila-members-told-stop-protests>.

<sup>152</sup> Ven Someath, 'Borey Keila villager banned bulldozers of Chinese company', RFA, (27 February 2018), available at: <https://www.rfa.org/khmer/news/land/boreykeila-02272018063726.html>.

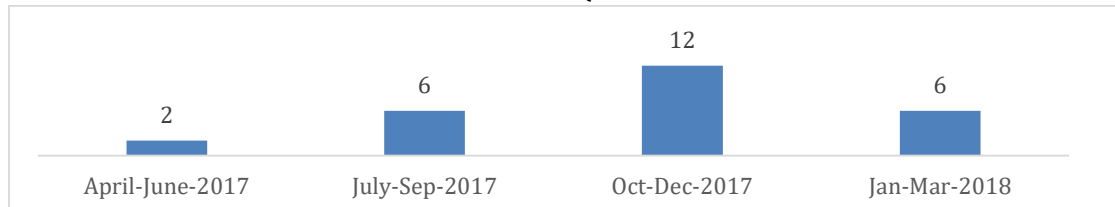
<sup>153</sup> Phak Seangly, 'Borei Keila resident summoned for questioning', Phnom Penh Post, (19 March 2018), available at: <http://www.phnompenhpost.com/national/borei-keila-resident-summoned-questioning>, and Soth Koemsoeun, 'Resident from Borei Keila questioned on protest', Phnom Penh Post, (21 March 2018), available at: <https://www.phnompenhpost.com/national/resident-borei-keila-questioned-protest>.

<sup>154</sup> Tang Sarada, 'Borei Keila land activist, who protested against Mrs. Siphon's house, was threatened by Ministry of Interior official', RFA, (22 March 2018), available at: <https://www.rfa.org/khmer/news/land/boreykeila-03222018072458.html>.

## 3.16 Prohibitions of assemblies increased between November 2017 and March 2018

Twenty-six assemblies were reportedly prohibited by the authorities in Year Two. The latter half of Year Two, and in particular October – December 2017, saw an increase in the RGC prohibiting assemblies (see Figure 27).

**FIGURE 27: PROHIBITIONS OF ASSEMBLIES BY QUARTER**



Source: FFMP Media Monitoring Database, May 2018

Many of the assemblies prohibited in October 2017 – March 2018 pertained to the dissolution of the CNRP and attempted or planned assemblies surrounding Kem Sokha's arrest, questioning, and trial. The RGC implemented an outright ban on protests surrounding the dissolution of the CNRP. This ban accounted for seven prohibitions of assemblies in October – December 2017. Some examples include:

- On 13 October, the Mol directed provincial governors, police chiefs, and their officers to prevent travel to Phnom Penh and to thwart attempted demonstrations while Kem Sokha was brought to court.<sup>155</sup>
- On 1 November, Phnom Penh Governor Khoun Sreng issued a directive to police officers and security personnel to prevent opposition supporters from observing or protesting Kem Sokha's Supreme Court hearing.<sup>156</sup>
- On 15 November, five environmental activists, including Ouch Leng and Ven Eth were detained and questioned in Koh Kong province. Police released Ven Eth only after he signed a contract promising not to travel to Phnom Penh the next day (when the CNRP dissolution hearing was due to be held), in violation of his freedom of assembly and freedom of movement, while the other four were allowed to leave after one hour of questioning.<sup>157</sup>
- On 16 November, hundreds of security forces and military police were deployed throughout Phnom Penh and major roads throughout the country in anticipation of protests over the CNRP dissolution hearing at the Supreme Court.<sup>158</sup>
- In March 2018, security guards and municipal police barred journalists, CNRP supporters and rights groups from attending Kem Sokha's appeal hearing by barricading all roads leading to the court. One CNRP supporter was forcefully slapped by a security guard for drawing a message in support of Kem Sokha on the

<sup>155</sup> Mech Dara & Ananth Baliga, 'Bracing for protests, authorities to prevent citizens from entering capital for Sokha trial', Phnom Penh, (16 October 2017), available at: [http://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](http://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).

<sup>156</sup> Ben Sokhean, 'Phnom Penh puts police on high alert ahead of Sokha's high court hearing', Phnom Penh Post, 31 October 2017, available at: <http://www.phnompenhpost.com/national/phnom-penh-puts-police-high-alert-ahead-sokhas-high-court-hearing>.

<sup>157</sup> Khy Sovuthy, 'Activists accused of protest trip', Khmer Times, (16 November 2017), available at: <http://www.khmertimeskh.com/5090753/activists-accused-protest-trip/>.

<sup>158</sup> Ben Sokhean, Mech Dara and Ananth Baliga, 'Death of democracy': CNRP dissolved by Supreme Court ruling', The Phnom Penh Post (17 November 2017), available at: <https://www.phnompenhpost.com/national-post-depth-politics/death-democracy-cnrp-dissolved-supreme-court-ruling>.

## Fundamental Freedoms Monitoring Project

street. Other CNRP supporters and officials were pushed and prevented from giving interviews to the media.<sup>159</sup>

Other prohibited assemblies included protests concerning land disputes (see Key Finding 3.15), a teachers' protest for increased wages,<sup>160</sup> villagers in Rattanakiri Province who wanted to discuss a new road project,<sup>161</sup> and a World Habitat Day celebration by CSOs.<sup>162</sup>

Year Two of the FFMP revealed that laws relating to fundamental freedoms continue to be arbitrarily enforced and extra-legal actions continue to be taken by the RGC to curtail civic space. The LANGO was consistently misapplied due to the new MoI notification regime, and the Law on Peaceful Assembly was regularly misapplied in order to prevent demonstrations related to the dissolution of the CNRP, the arrest of Kem Sokha, and land rights. Extra-legal monitoring and surveillance of CSOs and activists increased, and criminal legal actions against HRDs were commonplace.

---

<sup>159</sup> Niem Chheng and Ananth Baliga, 'Appeal Court orders Kem Sokha to remain in prison while awaiting trial,' Phnom Penh Post, (27 March 2018), available at: <https://www.phnompenhpost.com/national/appeal-court-orders-kem-sokha-remain-prison-while-awaiting-trial>.

<sup>160</sup> Ben Sokhean, Yon Sineat and Yesenia Amaro, 'Teachers' wage rally blocked,' The Phnom Penh Post, (6 October 2017), available at: <http://www.phnompenhpost.com/national/teachers-wage-rally-blocked>.

<sup>161</sup> IRAD048.

<sup>162</sup> Pech Sotheary, 'Land activists banned from gathering,' Khmer Times, (17 October 2017), available at: <http://www.khmertimeskh.com/5086414/land-activists-banned-gathering/>.



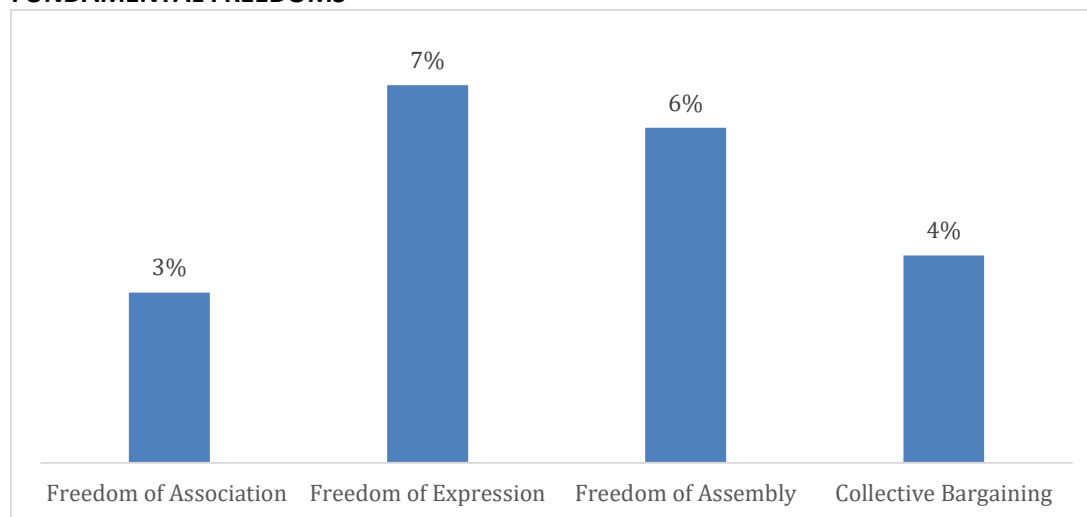
## 4. Key Milestone 3: Do Individuals Understand Fundamental Freedoms, and Feel Free to Exercise Them?

Key Milestone Three assesses the extent to which individuals in Cambodia understand their rights to freedom of association, expression and assembly, and the extent to which they feel free to exercise those rights.<sup>163</sup> Information for Key Milestone Three was gathered via a Public Poll of 1,023 Cambodians across 21 provinces from February – March 2018. Results from the Public Poll in Year Two showed a decline in the ability of the Cambodian public to exercise their fundamental freedoms compared to Year One. Notable findings from the Public Poll are outlined below; the full results are contained in Annex 3.<sup>164</sup>

### 4.1 The Cambodian public's understanding of fundamental freedoms remains lacking

The Public Poll demonstrated that Cambodians continue to have a limited understanding of fundamental freedoms.<sup>165</sup> The freedom of association was least understood, with only 3% of respondents demonstrating full knowledge of the right (see Figure 28). Collective bargaining, a particular exercise of freedom of association, was also poorly understood, with only 4% respondents indicating that they fully understood this right. The freedom of expression was best understood, with 7% of respondents demonstrating full knowledge of it, while 6% of respondents demonstrated full knowledge of freedom of assembly. These responses suggest that a large proportion of the Cambodian public may be unable to identify when restrictions of their fundamental freedoms occur.

**FIGURE 28: FEW CAMBODIANS DEMONSTRATED A PROPER UNDERSTANDING OF FUNDAMENTAL FREEDOMS**



Source: FFMP Public Poll, March 2018

<sup>163</sup> The findings in Key Milestone 3 are primarily based on the Public Poll (see ANNEX 3.).

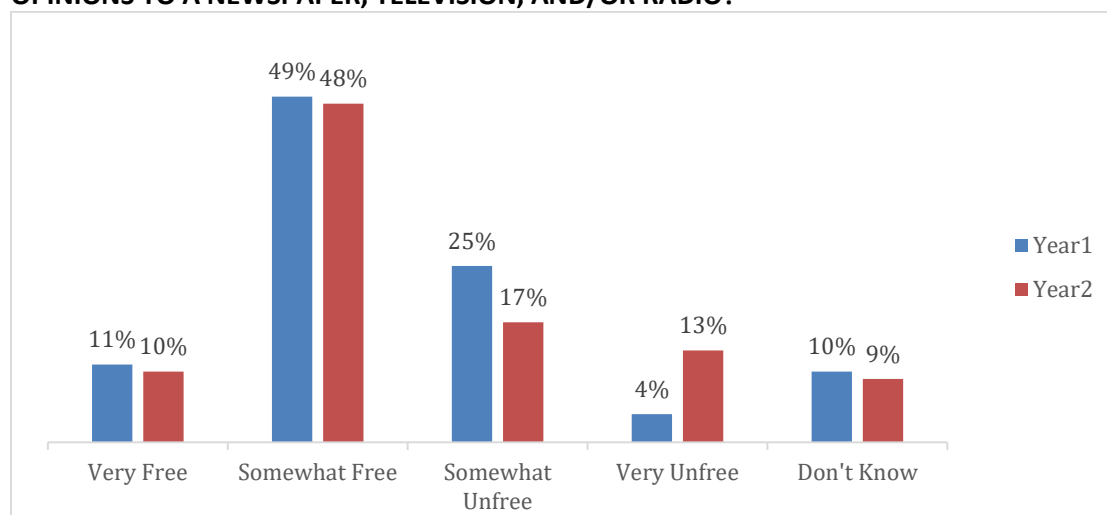
<sup>164</sup> Notable differences in the findings and methodology of the FFMP First Annual Report are highlighted below.

<sup>165</sup> Public understanding of the fundamental freedoms was measured by asking respondents to answer two questions: “Do you know what freedom of \_\_\_ means?” and, after the interviewer provided an explanation of the fundamental freedom in question, “Now that I have explained what the freedom of \_\_\_ is, how has your understanding of this freedom changed?” Those individuals who responded to the first question, “Yes I know clearly,” and to the second, “My understanding has not changed (it is the same as before)” were considered as showing a full understanding of a particular fundamental freedom. Understanding of collective bargaining was determined by asking questions of the same format.

#### 4.2 The Cambodian public does not feel fully free to safely impart information to media

The degree to which respondents feel free to impart information to media decreased slightly between Year One and Year Two of the FFMP. In Year Two, 48% of respondents felt “Somewhat Free” to report information or to express opinions to a newspaper, television, and/or radio, and 13% felt “Very Unfree” to do so. In Year One, 49% of respondents felt “Somewhat Free” and 4% of individuals felt “Very Unfree” to express information to the media (see Figure 29).

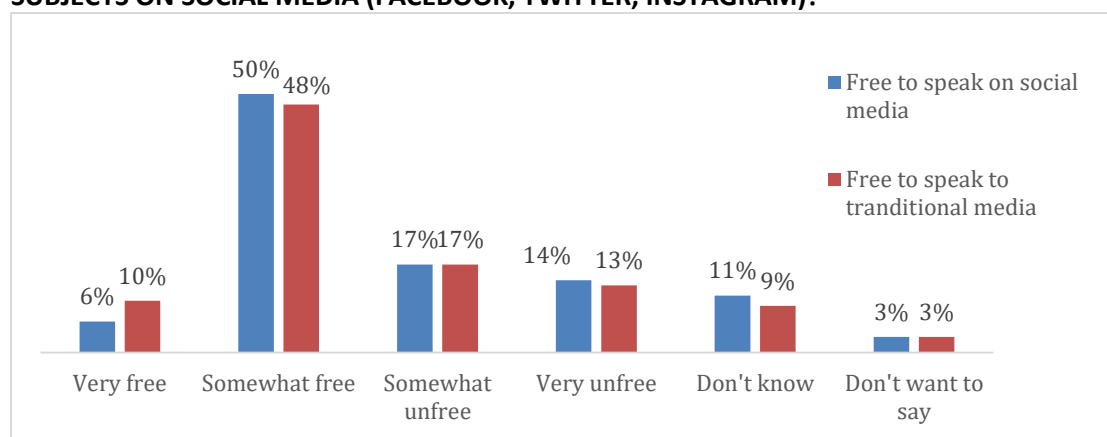
**FIGURE 29: “HOW FREE DO YOU FEEL TO SAFELY REPORT INFORMATION OR EXPRESS OPINIONS TO A NEWSPAPER, TELEVISION, AND/OR RADIO?”**



Source: FFMP Public Poll, October 2016 and March 2018

In Year Two, the Public Poll added a question to measure the willingness of individuals to express themselves on social media. There is a similar reluctance to exercise freedom of expression on social media compared to traditional media like newspapers, radio, or television (see Figure 30), but with fewer respondents feeling “Very free” in respect of social media.

**FIGURE 30: “HOW FREE DO YOU FEEL YOU ARE ABLE TO SPEAK OPENLY ABOUT ALL SUBJECTS ON SOCIAL MEDIA (FACEBOOK, TWITTER, INSTAGRAM)?”**

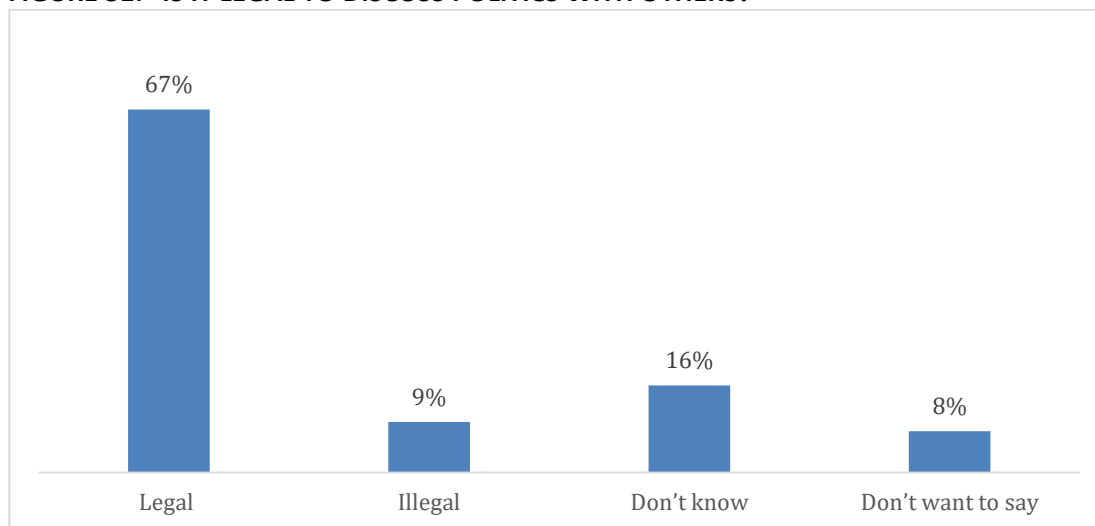


Source: FFMP Public Poll, March 2018

### 4.3 The Cambodian public's knowledge of domestic laws governing freedom of expression is limited

The Public Poll measured respondents' knowledge of Cambodian law by asking whether certain actions were legal or not. Responses to these questions show that the public believes that domestic laws are more restrictive than they actually are (See Figures 31-33).

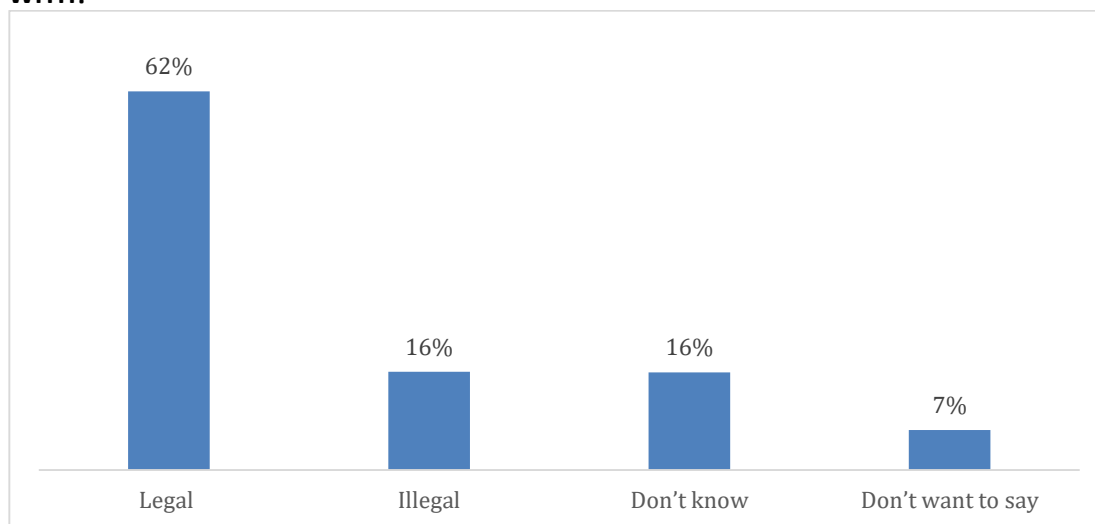
**FIGURE 31: "IS IT LEGAL TO DISCUSS POLITICS WITH OTHERS?"**



Source: FFMP Public Poll, March 2018

The Public Poll results revealed that only 67% of respondents believed it was legal to discuss politics with others, and only 62% believed it was legal to criticize government policies (see Figures 31 and 32). However, both forms of speech are legal under domestic law and protected by the Constitution.

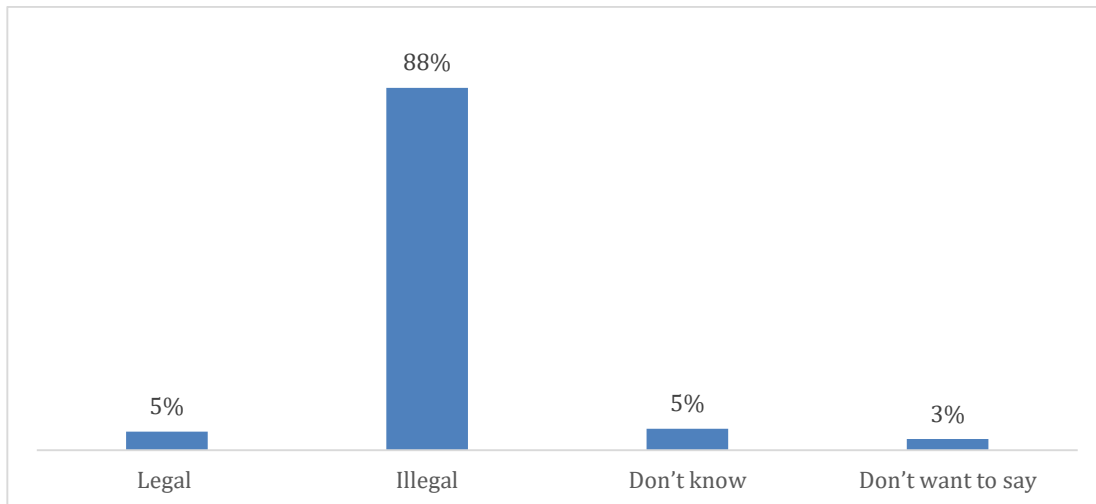
**FIGURE 32: "IS IT LEGAL TO CRITICIZE GOVERNMENT POLICIES THAT YOU DISAGREE WITH?"**



Source: FFMP Public Poll, March 2018

A majority of respondents (88%) correctly stated that it was illegal to insult a public figure (see Figure 33). 'Insult of a Public Official' is criminalized under Article 502 of the Penal Code, and 'Insult' is criminalized under Article 307. Both provisions contravene Article 19 of the ICCPR.

**FIGURE 33: “IS IT LEGAL TO INSULT A PUBLIC FIGURE?”**



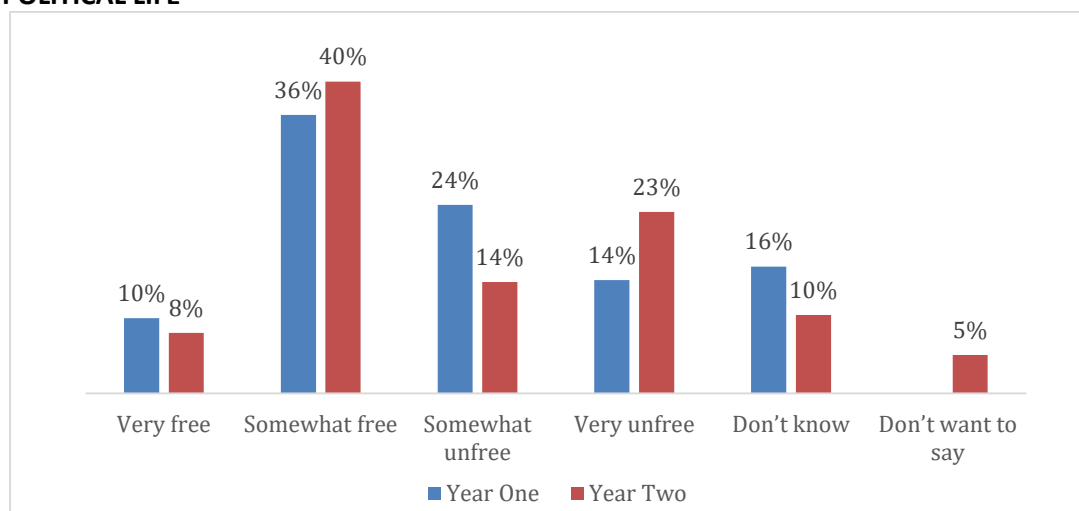
Source: FFMP Public Poll, March 2018

These findings indicate that while a majority of the Cambodian public can correctly identify Cambodia legal limitations to the freedom of expression a large proportion believe that domestic law is more restrictive than it actually is. The consistent prosecution of individuals for engaging in political speech in Cambodia, even speech that is protected under international human rights law, may partly explain the high numbers of individuals who believe that criticism of government policy and the discussion of politics are illegal.

#### 4.4 A decreasing proportion of the Cambodian public feels free to participate in political life

The Public Poll results from Year Two of the FFMP showed that fewer respondents feel free to participate in political life than in Year One. In Year Two, 23% of respondents felt “Very Unfree” to participate in political life, compared to 14% of respondents in Year One. However, the percentage of respondents who reporting feeling free to participate in political life remained similar between Year One and Year Two (see Figure 34).

**FIGURE 34: PROPORTION OF INDIVIDUALS WHO REPORT FEELING FREE TO PARTICIPATE IN POLITICAL LIFE**

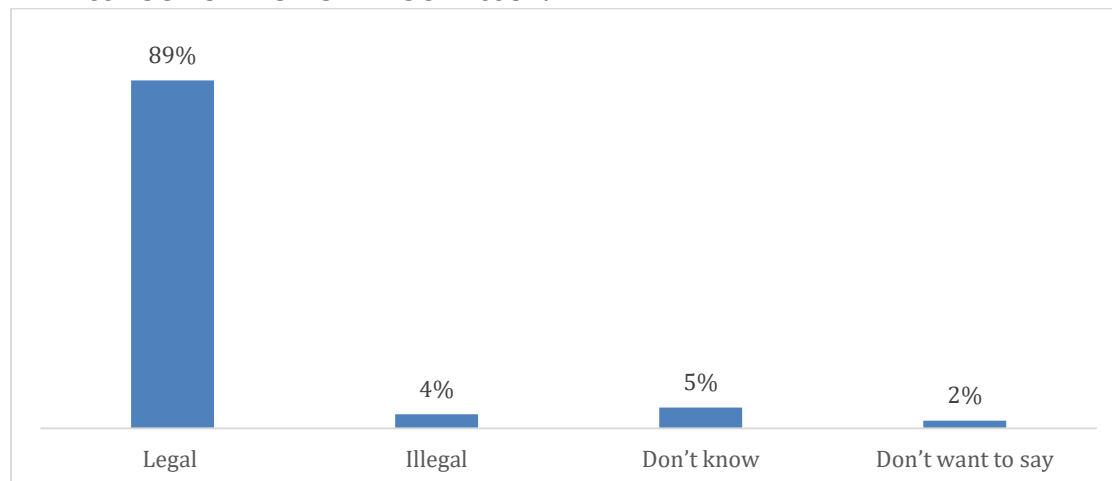


Source: FFMP Public Poll, October 2016 and March 2018

## Fundamental Freedoms Monitoring Project

Other responses indicate that individuals perceive that their ability to participate in political life varies depending on context. For example, the vast majority of respondents accurately believe that it is legal to speak at a commune council meeting (see Figure 35).

**FIGURE 35: “IS IT LEGAL TO ATTEND A COMMUNE COUNCIL MEETING AND PEACEFULLY EXPRESS YOUR OPINION ON A LOCAL ISSUE?”**

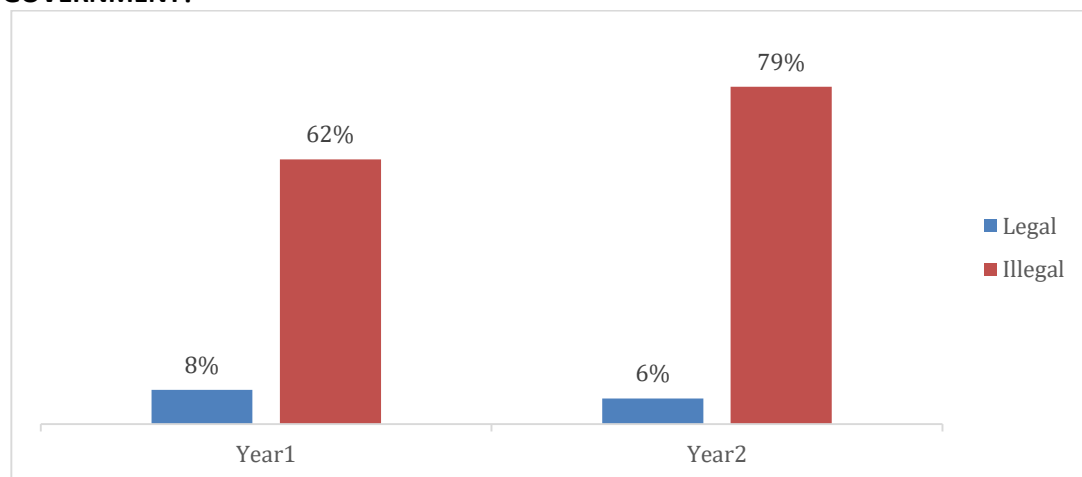


Source: FFMP Public Poll, March 2018

### 4.5 The Cambodian public demonstrates increased knowledge of domestic legal restrictions to freedom of association

The majority of respondents surveyed correctly noted that under Cambodian Law, specifically the LANGO, it is illegal to form an NGO without approval from the government.<sup>166</sup> Knowledge of this fact increased by over ten percentage points between Year One and Year Two of the FFMP (see Figure 36). These findings suggest that respondents' knowledge of the LANGO had increased in tandem with the RGC increasing enforcement of the LANGO.

**FIGURE 36: “IS IT LEGAL TO FORM AN NGO WITHOUT APPROVAL FROM THE GOVERNMENT?”**



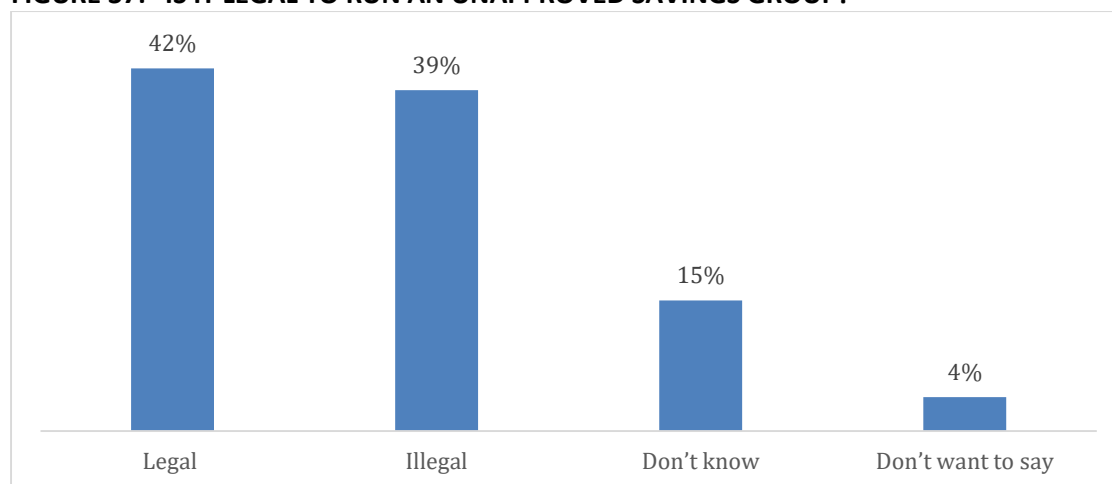
Source: FFMP Public Poll, October 2016 and March 2018

<sup>166</sup> Article 9 LANGO bans unregistered NGOs or associations from conducting activities of any kind, and Article 32 provides for criminal punishment in case of any violation of Article 9. As noted in the Year One Annual Report, this provision of the LANGO violates Article 22 of the ICCPR.

## Fundamental Freedoms Monitoring Project

Despite a widespread knowledge of the LANGO's mandatory registration requirement, other aspects of the LANGO were less well known. 42% of respondents believed it was legal to run an unapproved savings group, compared with the 39% who believed it was illegal (see Figure 37). According to the LANGO, all associations and NGOs, including savings groups, are subject to mandatory registration, and thus it is illegal to operate a savings group if the savings group has not been officially registered with the Mol.

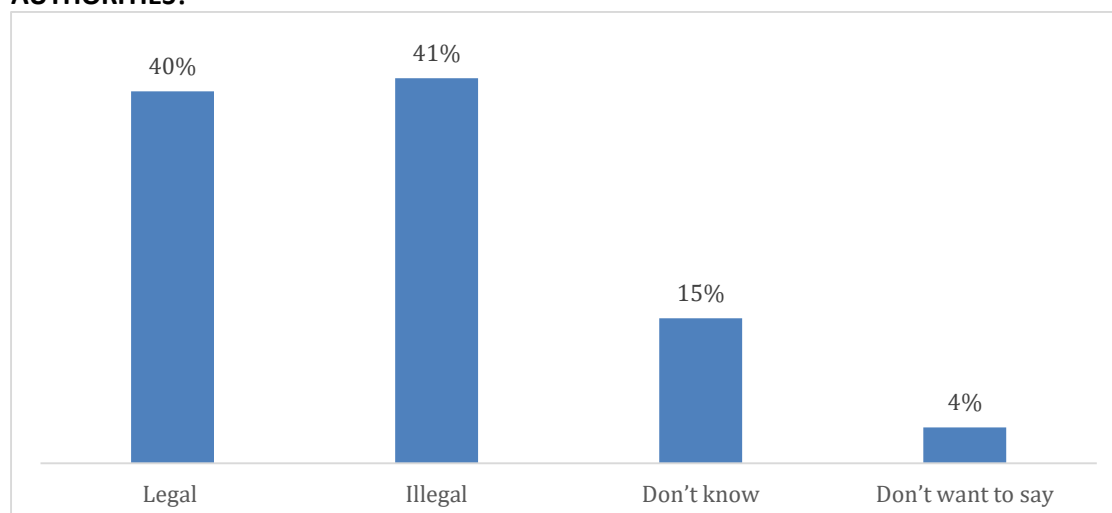
**FIGURE 37: “IS IT LEGAL TO RUN AN UNAPPROVED SAVINGS GROUP?”**



Source: FFMP Public Poll, March 2018

The public displayed a similar level of knowledge regarding the ability of CSOs to carry out activities without notifying authorities. 41% of respondents believed that it was illegal to do so, while 40% believe that it is legal (see Figure 38). Although the Mol announced that all NGOs must notify the authorities in advance of carrying out any activities<sup>167</sup>, this order lacks a basis in law; it is technically legal for CSOs to carry out activities without notifying authorities in advance (See: Key Milestone 1, Section 2.1 for more details).

**FIGURE 38: “IS IT LEGAL FOR A CSO TO CARRY OUT ACTIVITIES WITHOUT NOTIFYING THE AUTHORITIES?”**



Source: FFMP Public Poll, March 2018

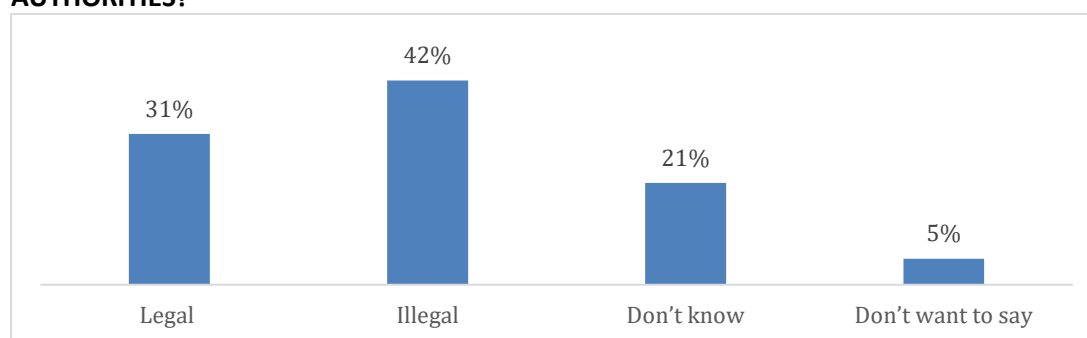
<sup>167</sup> The text of the ministerial directive (in Khmer) can be found at <http://www.freshnewsasia.com/index.php/en/localnews/67305-2017-10-10-11-02-46.html>; see also Mech Dara 'Ministry ups scrutiny of NGOs,' The Phnom Penh Post, (10 October 2017), available at: <https://www.phnompenhpost.com/national/ministry-ups-scrutiny-ngos>.

## Fundamental Freedoms Monitoring Project

The results displayed in Figures 36 – 38 show that the public demonstrates greater, but not complete, knowledge of domestic legal restrictions on freedom of association, compared to Year One. Many individuals do not know of the broad application of the LANGO’s mandatory registration requirement, and many individuals are also unaware of the new, extra-legal requirement for associations to notify the authorities in advance of conducting any activities.

Respondents were also asked about legal restrictions to the right to strike, a specific subset of the freedom of association.<sup>168</sup> 42% of respondents incorrectly believe that it is illegal to strike without the permission of an employer or the authorities (see Figure 39).

**FIGURE 39: “IS IT LEGAL TO STRIKE WITHOUT THE PERMISSION OF AN EMPLOYER OR THE AUTHORITIES?”**



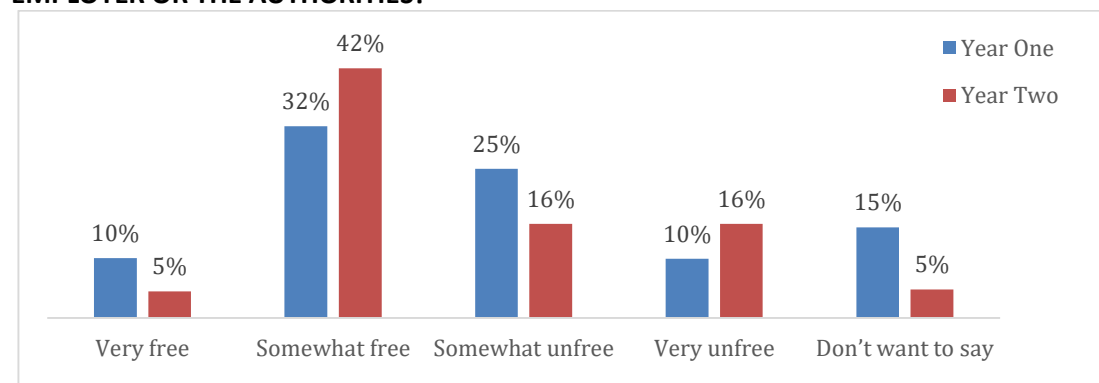
Source: FFMP Public Poll, March 2018

According to the Labor Law, workers are required to notify their employers at least one week in advance of a strike.<sup>169</sup> However, no provisions within either the Labor Law or the Trade Union Law require that workers receive prior permission to strike.

### 4.6 Fewer Cambodians feel free to strike and/or demonstrate against their employer

The number of Public Poll respondents who reported feeling free to strike and/or demonstrate against their employer decreased from Year One to Year Two. The percentage of those who feel “Very Free” to peacefully strike and/or demonstrate against an employer halved between Year One (10%) and Year Two (5%) (see Figure 40). Similarly, the percentage of those who feel “Very Unfree” to strike and/or demonstrate increased from Year One (10%) to Year Two (16%).

**FIGURE 40: “HOW FREE PEOPLE FEEL TO STRIKE WITHOUT THE PERMISSION OF AN EMPLOYER OR THE AUTHORITIES?”**



Source: FFMP Public Poll, October 2016 and March 2018

<sup>168</sup> This question was added in Year Two of the FFMP.

<sup>169</sup> 1997 Labor Law, Article 324, available at: <http://www.ilo.org/dyn/travail/docs/701/labour>.

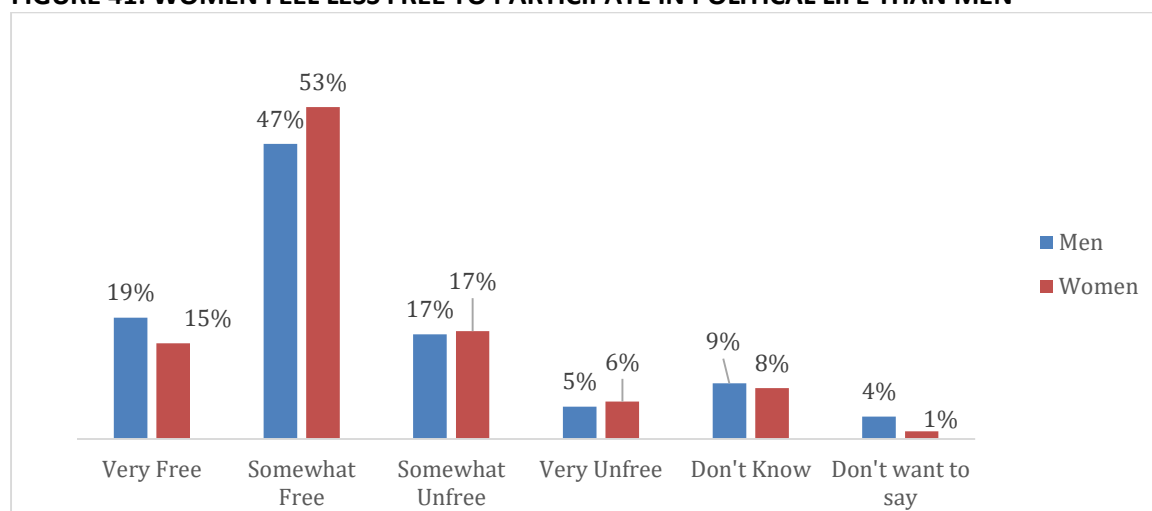


When considered along with the data provided in Figure 39, which indicated that the majority of respondents believe striking without permission from an employer is illegal, these responses indicate that a small percentage of the Cambodian population feels entitled to the full exercise of freedoms of assembly and association.

### 4.7 Women, retired and older Cambodians feel less free to exercise their fundamental freedoms

Demographic analysis of Year Two Public Poll data demonstrated that women, older people, and retirees feel the least free to exercise their fundamental freedoms. In particular, women feel less free to participate in political life than men (see Figure 41); younger Cambodians feel more free to exercise their freedom of association than older Cambodians (see Figure 42); and retired Cambodians feel less free to exercise the freedoms of association than public servants and students (see Figure 43).

**FIGURE 41: WOMEN FEEL LESS FREE TO PARTICIPATE IN POLITICAL LIFE THAN MEN**



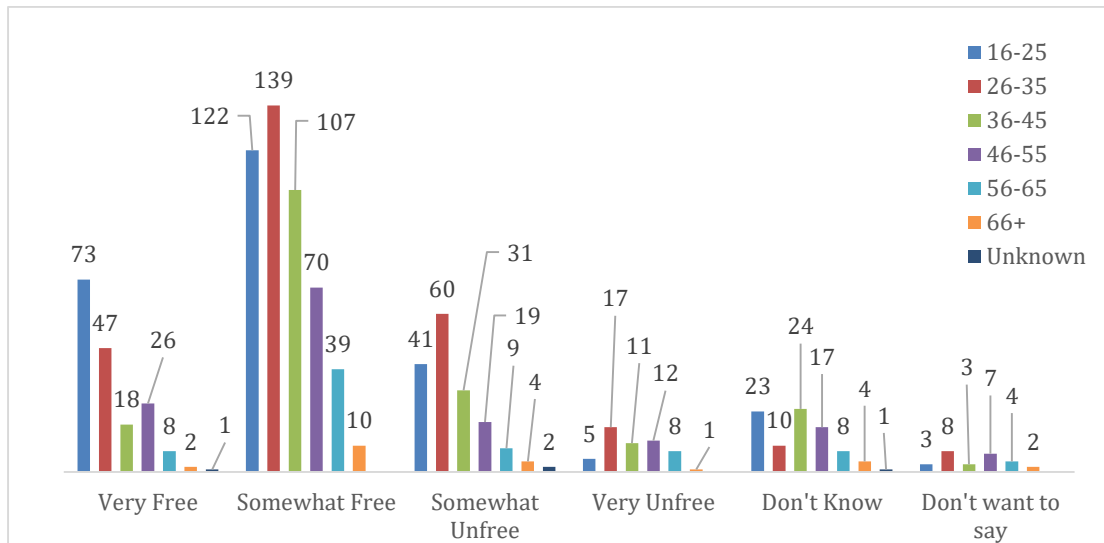
Source: FFMP Public Poll, March 2018

When asked how free they felt to join a lawful group, 0% of retirees reported feeling “Very Free,” compared to 27% of public servants and 38% of students. While this data seems to suggest that very few retirees feel free to exercise their freedom of association, it is notable that a high percentage of retirees (30%) also reported not knowing whether they felt free to join lawful associations.

Age-disaggregated data from the Public Poll demonstrated that younger Cambodians felt freer to join lawful groups (an exercise of freedom of association) than older Cambodians (see Figure 42).

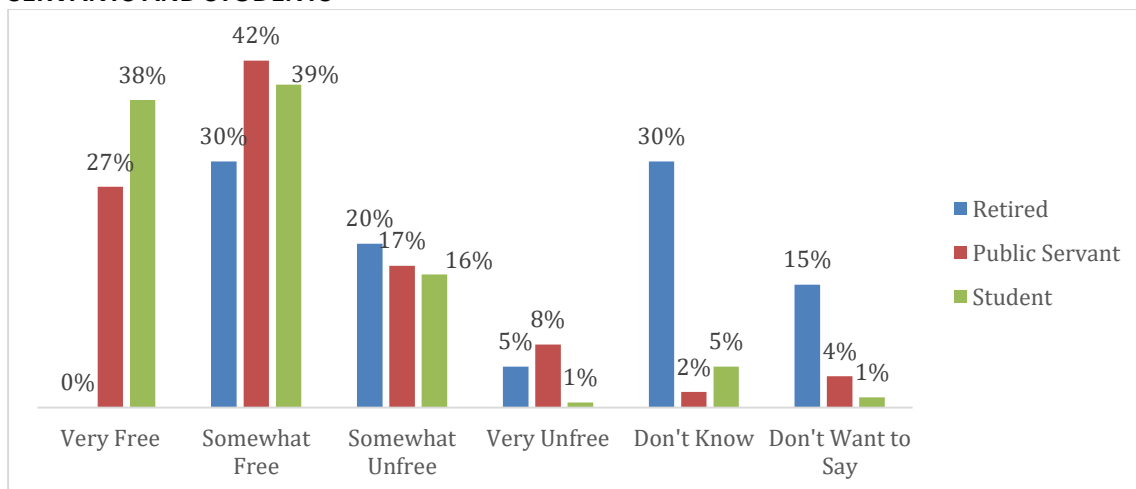
## Fundamental Freedoms Monitoring Project

**FIGURE 42: YOUNGER PEOPLE FEEL FREER TO JOIN LAWFUL GROUPS THAN OLDER PEOPLE**



Source: FFMP Public Poll, March 2018

**Figure 43: RETIREES FEEL LESS FREE TO JOIN LAWFUL ASSOCIATIONS THAN PUBLIC SERVANTS AND STUDENTS**



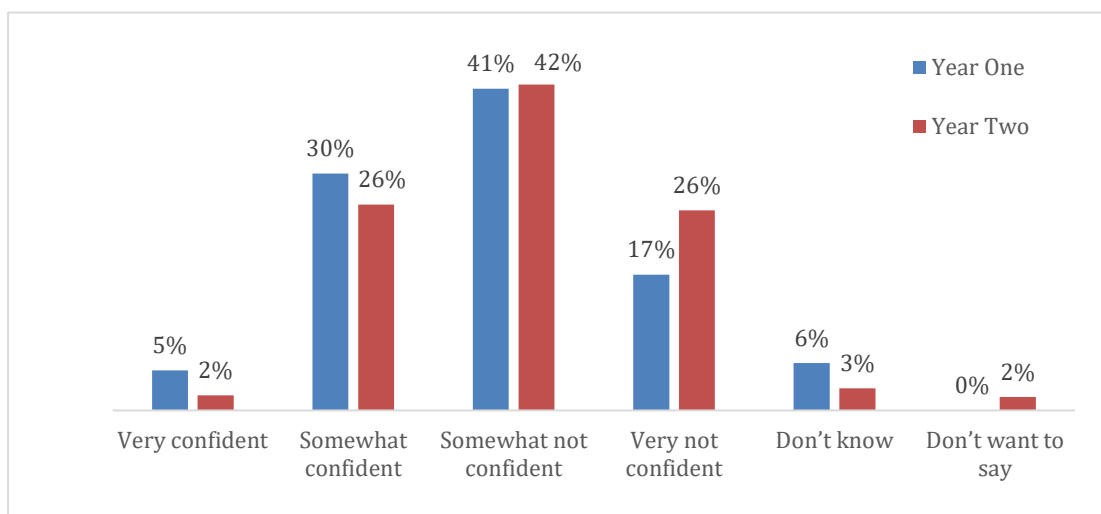
Source: FFMP Public Poll, March 2018

### 4.8 Confidence in redress for human rights violations has decreased further

Public Poll respondents demonstrated a low level of confidence in governmental and judicial systems of redress for human rights violations. 68% of respondents indicated that they were “Somewhat not confident” or “Very not confident” that the government or judicial system would resolve human rights violations. Differences in the responses recorded between Year One and Year Two of the FFMP demonstrate that individuals have become less confident in their ability to obtain redress for human rights violations (see Figure 44).

## Fundamental Freedoms Monitoring Project

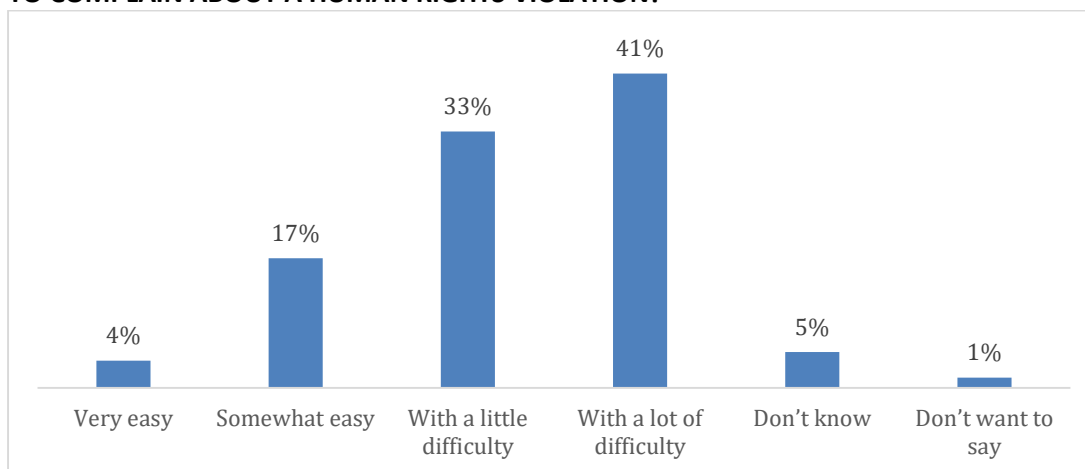
**FIGURE 44: “IF YOU REPORT A HUMAN RIGHTS VIOLATION, HOW CONFIDENT ARE YOU THAT THE GOVERNMENT OR JUDICIAL SYSTEM WILL SOLVE YOUR PROBLEM?”**



Source: FFMP Public Poll, October 2016 and March 2018

The low level of confidence individuals reported in their ability to obtain redress for human rights violations roughly corresponds to their perceptions of the accessibility of the government and judicial system (see Figure 45).

**FIGURE 45: “HOW EASY WOULD IT BE FOR YOU TO ACCESS THE GOVERNMENT OR COURT TO COMPLAIN ABOUT A HUMAN RIGHTS VIOLATION?”**



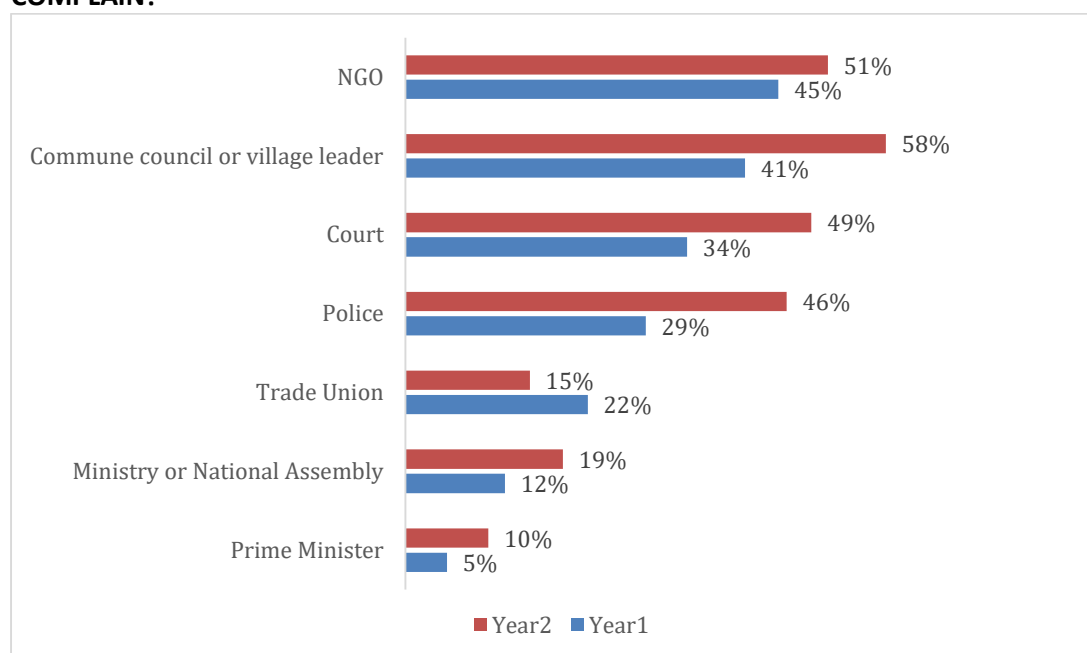
Source: FFMP Public Poll, March 2018

Only 4% of respondents felt it was “Very easy” to access the government or court. Conversely, 74% of respondents noted that accessing the government or courts to complain about human rights violations would be difficult. Such low levels of confidence and perceived accessibility in these institutions suggest that many people may be unable to report incidences of human rights violations and seek redress.

Similar to Year One, the Public Poll in Year Two revealed that people feel most able to complain about human rights violations to a Commune Council or Village Leader or to an NGO (see Figure 46). It is noteworthy that more individuals trust NGOs to receive complaints of human rights abuses than every state entity aside from Commune Councilors.

## Fundamental Freedoms Monitoring Project

**FIGURE 46: “IF YOUR HUMAN RIGHTS ARE VIOLATED, WHERE CAN YOU GO TO COMPLAIN?”**



Source: FFMP Public Poll, October 2016 and March 2018

These findings suggest that public perceptions of how the government and courts should function are at odds with how the public perceives these institutions’ actual functioning. In other words, a growing proportion of individuals believe that the government and courts *should* address complaints of human rights violations, while in reality, they are perceived not to.

The Public Poll in Year Two revealed that Cambodians feel less free to express themselves, to peacefully assemble, and to associate with others compared to Year One. the public’s trust in NGOs remains relatively high, but confidence in state redress mechanisms for human rights violations fell below the baseline recorded in Year One. Notably, the public’s understanding of domestic legal limitations on the right to freedom of association were better understood in Year Two. However, the broad scope of the LANGO’s mandatory registration requirement remains poorly understood by the public. Overall, the Public Poll results suggest diminished space for the peaceful exercise of fundamental freedoms.

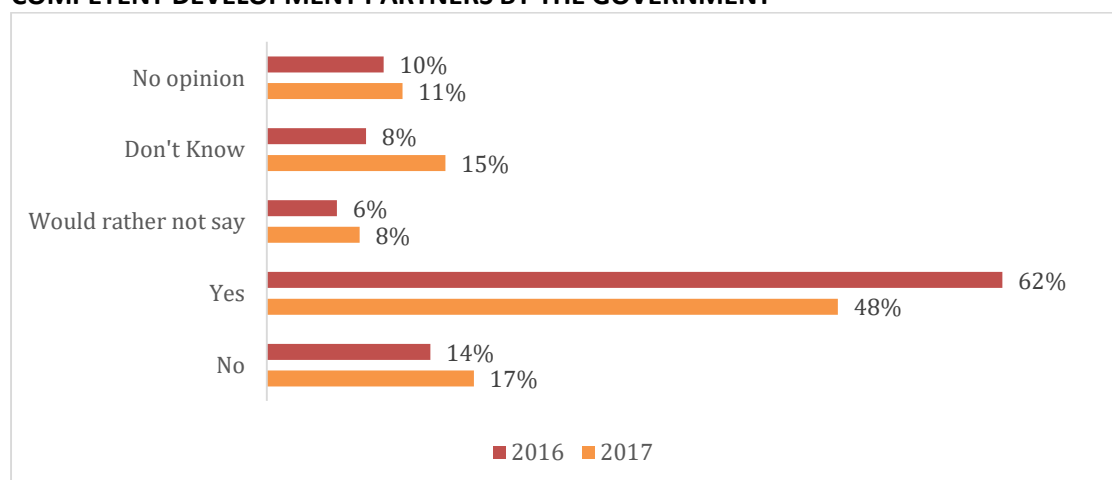
## 5. Key Milestone Four: Are CSOs and TUs recognized by, and can work in partnership with, the RGC?

Key Milestone Four examines the extent to which the RGC views and treats CSOs (including NGOs, trade unions, and CBOs, amongst others) as meaningful stakeholders in Cambodian society and the country's development.

### 5.1 Fewer associations embraced by the RGC as competent development partners

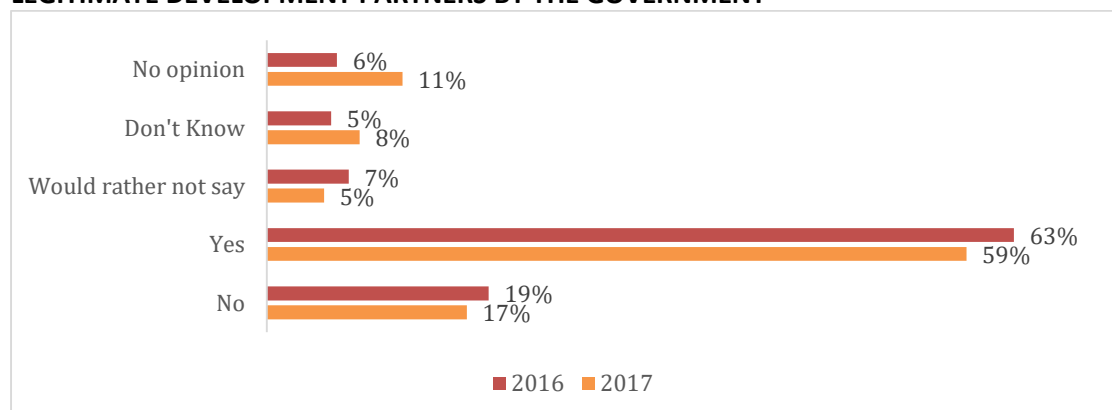
The CSO/TU Leader Survey asked whether respondents believe their organization is viewed as a competent and a legitimate development partner by the RGC. 48% of respondents indicated that they were recognized as competent partners and 59% indicated they were viewed as legitimate partners. However, 17% stated that they were not perceived as a competent partner and 17% believed they were not perceived as a legitimate partner. The number of respondents who reported being recognized as competent and legitimate development partners decreased between Year One and Year Two (see Figures 47 and 48).

**FIGURE 47: PROPORTION OF CSO/TU LEADERS WHO BELIEVE THEY ARE RECOGNIZED AS COMPETENT DEVELOPMENT PARTNERS BY THE GOVERNMENT**



Source: FFMP CSO/TU Survey, December 2017

**FIGURE 48: PROPORTION OF CSO/TU LEADERS WHO BELIEVE THEY ARE RECOGNIZED AS LEGITIMATE DEVELOPMENT PARTNERS BY THE GOVERNMENT**

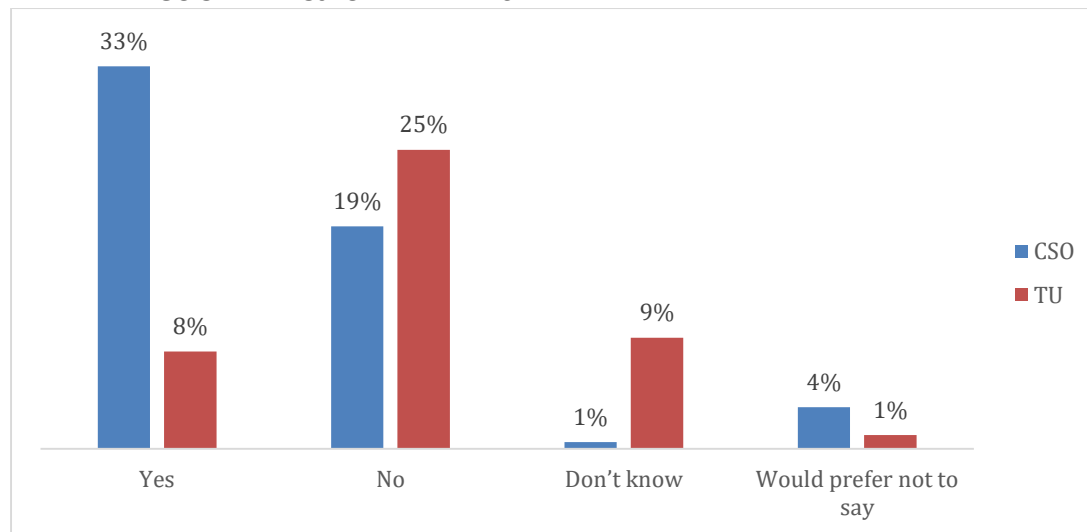


Source: FFMP CSO/TU Survey, December 2017

## 5.2 The RGC is more open to partnerships with CSOs than with trade unions

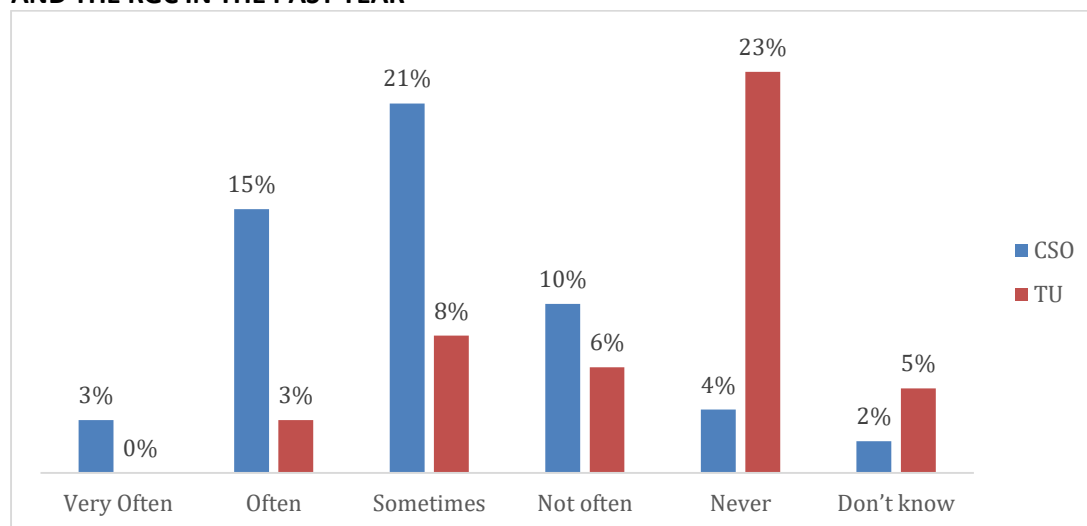
The CSO/TU Leader Survey asked whether CSO/TU leaders had collaborated with the RGC in the past year. 40% of CSO/TU Leaders reported that they officially collaborated with the RGC on a project in the last year while 44% reported not collaborating with the RGC. Regarding informal partnerships 27% reported never informally partnering with the RGC, and 18% reported that they often informally partnered with the RGC (see Figure 50). Trade union leaders reported a lower frequency of partnering with the RGC than CSO leaders (see Figures 49 and 50)

**FIGURE 49: PROPORTION OF CSO/TU LEADERS WHO REPORT OFFICIALLY COLLABORATING WITH THE RGC ON A PROJECT IN THE PAST YEAR**



Source: FFMP CSO/TU Survey, December 2017

**FIGURE 50: FREQUENCY OF UNOFFICIAL COLLABORATIONS BETWEEN CSO/TU LEADERS AND THE RGC IN THE PAST YEAR**



Source: FFMP CSO/TU Survey, December 2017

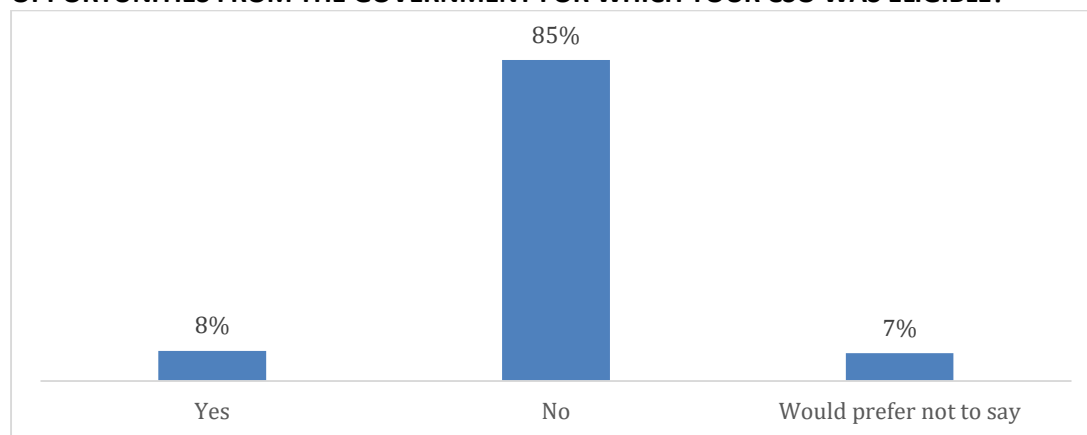
There are many possible explanations for why trade unions might partner less frequently with the RGC than CSO leaders. Further research should be undertaken to understand this discrepancy.

## Fundamental Freedoms Monitoring Project

### 5.3 CSO and TU Leaders displayed limited awareness of opportunities for public financing and participation in RGC panels and committees

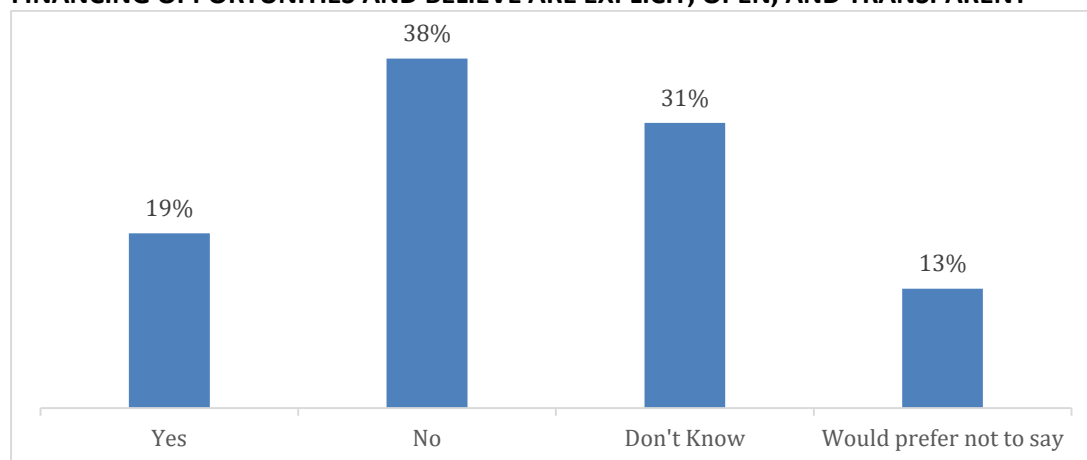
In Year Two, as in Year One, Media Monitoring recorded no cases of government financing opportunities for CSOs/TUs advertised by the RGC. The CSO/TU Leader Survey showed that only 8% (13 respondents) of CSO leaders indicated an awareness of government financing opportunities.

**FIGURE 51: “IN THE LAST YEAR, HAVE YOU BEEN AWARE OF ANY FINANCE OR FUNDING OPPORTUNITIES FROM THE GOVERNMENT FOR WHICH YOUR CSO WAS ELIGIBLE?”**



Source: FFMP CSO/TU Survey, December 2017

**FIGURE 52: PROPORTION OF CSO/TU LEADERS WHO ARE AWARE OF GOVERNMENT FINANCING OPPORTUNITIES AND BELIEVE ARE EXPLICIT, OPEN, AND TRANSPARENT**



Source: FFMP CSO/TU Survey, December 2017

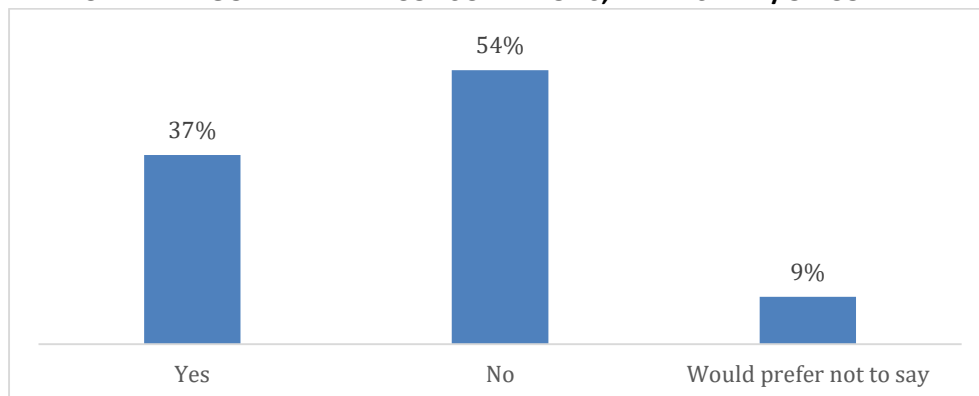
Of the 13 respondents who indicated an awareness of government financing opportunities, 19% (three respondents) believed that the financing opportunities were explicit, open, and transparent, while 38% (six respondents) believed they were not (see Figure 52). CSO leaders were also more frequently aware of opportunities compared to trade union Leaders.

The CSO/TU Leader Survey also asked whether respondents were aware of any opportunities to participate in RGC consultations, panels and/or committees (see Figure 53). Of the 37% (60 respondents) of CSO Leaders who are aware of opportunities for participation on RGC panels and committees, 37% (23 respondents) believed that they were explicit, open, and transparent; the same percentage felt they were not (see Figure 54).



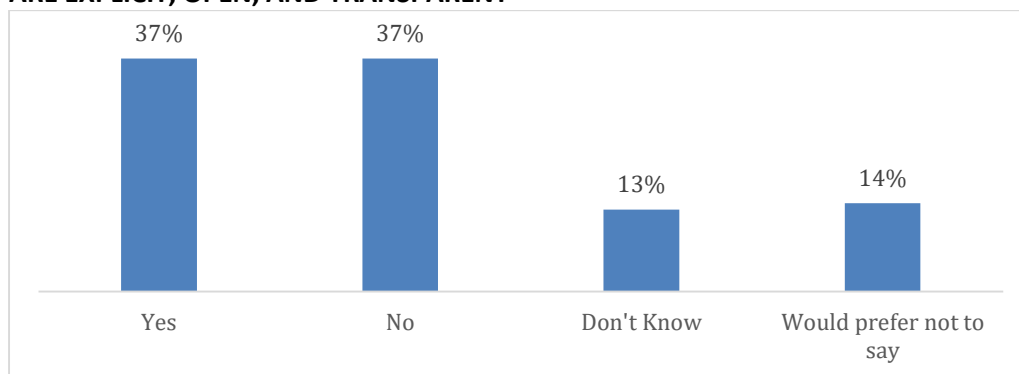
## Fundamental Freedoms Monitoring Project

**FIGURE 53: “IN THE LAST YEAR, HAVE YOU BEEN AWARE OF ANY OPPORTUNITIES TO PARTICIPATE IN GOVERNMENT CONSULTATIONS, PANELS AND/OR COMMITTEES?”**



Source: FFMP CSO/TU Survey, December 2017

**FIGURE 54: PROPORTION OF CSO/TU LEADERS WHO ARE AWARE OF GOVERNMENT OPPORTUNITIES FOR PARTICIPATION ON RGC PANELS AND BOARDS AND BELIEVE THEY ARE EXPLICIT, OPEN, AND TRANSPARENT**



Source: FFMP CSO/TU Survey, December 2017

The limited number of CSOs who are aware of opportunities to participate in RGC panels and committees, and the low number of respondents who felt that these opportunities were open, explicit, and transparent, suggest that the RGC’s opportunities for participation on RGC panels and committees are not adequately open, explicit, and transparent. To ensure broad participation of CSOs in these opportunities, the RGC must ensure that any such opportunities are publicly available and widely disseminated.

It is concerning that CSOs perceive themselves as less competent and less legitimate in the eyes of the RGC in Year Two than in Year One. The data from Key Milestone Four highlights that the experiences of CSOs are not uniform regarding collaboration and partnerships with the RGC. Non-trade union CSOs believe that the RGC recognizes them as competent and legitimate development partners at higher rates than trade unions, and non-trade union CSOs form partnerships with the RGC more frequently than trade unions. Varying perspectives on the ease of partnering with the RGC reveals the contrasting relationships that exist between different CSOs and the RGC. These differences may in turn reflect the diversity of CSOs and their primary interests and activities.

### Conclusion

---

During its two years of monitoring, the FFMP has analyzed 3,214 media articles, 301 incident reports, 1,976 polls of the Cambodian public, and 378 surveys of CSO and trade union leaders, and conducted a legal analysis of Cambodia's entire legal framework governing fundamental freedoms.

Year Two of the FFMP recorded a 52% increase in restrictions of fundamental freedoms in Cambodia from Year One. The numbers of violations rose as the year progressed and the July 2018 National Election drew closer. There was a notable regression in the respect for fundamental freedoms, with the following trends:

- The legal framework governing fundamental freedoms was altered, with far-reaching consequences and impacts on human rights. Amendments to the Constitution and the Law on Political Parties impaired the ability of Cambodian people and associations to exercise their rights to associate, speak, and vote.
- The systematic and arbitrary misapplication of laws reported in Year One continued in Year Two. Critical and dissenting voices were targeted with increasing frequency and severity. 32 political parties, including the CNRP, were dissolved or deregistered. Press freedom sharply declined in Year Two due to the sanctioning and closure of several independent media outlets, and there was a notable rise in violations of freedom of expression online.
- CSO and trade union leaders reported increased difficulties exercising fundamental freedoms. Specifically, they reported an increase in extra-legal surveillance of their activities, mostly linked with the enforcement of a new MoI prior permission regime for CSO activities, which lacks any legal basis. Trade union leaders reported significant difficulties when attempting to register under the Trade Union Law. The Cambodian public reported increasing reluctance to exercise their rights, and a decrease in confidence in state institutions responsible for ensuring justice and rule of law.

The FFMP provides a unique insight into the real situation of fundamental freedoms. Its findings enable CSOs, the general public, donors and other stakeholders to better understand the key challenges facing civil society and the exercise of human rights in Cambodia, and in better-informed, more constructive discussions to design new strategies to improve the legal environment for civil society and civic freedoms.

## Annex 1 – Methodology and Data Collection

*This Annex presents the methodology and data collection tools used to collect and analyze data for the Fundamental Freedoms Monitoring Project.*

### Section 1: Methodology

The Monitoring Team began the FFMP by utilizing the Monitoring and Tracking Tool (MTT). The purpose of the MTT is to provide a clear and consistent mechanism for monitoring the legal and regulatory framework that governs civil society and civic participation in Cambodia, with a focus on the Law on Associations and Non-Governmental Organizations (LANGO) and other legislation affecting freedom of association, freedom of assembly and freedom of expression (fundamental freedoms). The MTT is the centerpiece of a long-term monitoring project, and was designed to systematically show the extent to which domestic laws comply with international human rights standards, and how the RGC and the Cambodian public understand and exercise fundamental freedoms.

The MTT was developed in November and December 2015, and was finalized in March 2016. The MTT has since been further adapted to mitigate issues highlighted by the first year of monitoring (1 April 2016 – 31 March 2017).

The second year of monitoring took place from 01 April 2017 – 31 March 2018. Results from monitoring were collated and reviewed on a quarterly basis: the First Quarter, 01 April 2017 – 30 June 2017; the Second Quarter, 01 July – 30 September 2017; the Third Quarter, 01 October – 31 December 2017; and the Fourth Quarter, 01 January – 31 March 2018.

The MTT is comprised of 94 individual indicators that correspond to four Key Milestones:

- ☐ The legal framework for fundamental freedoms meets international standards;
- ☐ The legal framework for fundamental freedoms is implemented and properly enforced;
- ☐ Individuals understand fundamental freedoms, and feel free to exercise them; and
- ☐ Civil Society Organizations (CSO) and Trade Unions (TUs) are recognized and can work in partnership with the RGC.

Each Key Milestone relates to, and builds upon, the other Key Milestones. Key Milestone 1 represents the first step in the continuum and seeks to assess the degree to which Cambodian law is grounded in international best practice, and thus determine whether basic freedoms are guaranteed in the Cambodian legal framework. Key Milestone 2 is the second step in the continuum and focuses on the implementation and enforcement of the legal framework. If Cambodian law meets international standards and is implemented and enforced properly, it should follow that fundamental freedoms are actualized and safeguarded for the Cambodian people. Even if the legal framework does not fully meet international standards, proper implementation and enforcement of some laws affecting fundamental freedoms will ensure that some of these basic rights are guaranteed. Key Milestone 3 is the third step in the continuum and seeks to assess the general public's understanding of their fundamental freedoms under Cambodian law, and their ability to exercise these freedoms. Without a proper understanding, it is unlikely that people will use the legal avenues open to them to challenge infringements on their rights, thus greatly limiting people's ability to exercise the fundamental freedoms prescribed to them by law. This milestone therefore speaks to the strength of civil society in Cambodia, as well as of individuals, to access and act on their rights under the law. Finally, Key Milestone 4 seeks to

## Fundamental Freedoms Monitoring Project

understand the extent to which CSOs/TUs can work together with the RGC to achieve common outcomes. It presupposes a strong legal framework, strong independent civil society and culture of partnership. Taken together, attainment of each element would represent the ideal state for fundamental freedoms in Cambodia.

The MTT also details the key activities of the Monitoring Team. It establishes definitions to ensure consistent application of key concepts and outlines a logic model, clearly articulating the elements of the four Key Milestones. The MTT details the indicators and metrics that are used to assess changes against each element and Key Milestone, as well as the data sources, persons responsible for data collection and the frequency of data collection. The MTT then details how the indicators are implemented by describing the data collection methodologies and data management processes (including the data quality assurances, data analysis processes, reporting mechanisms and information dissemination processes), the roles and responsibilities for implementation and the necessary capacity development requirements to support implementation. Last, the document outlines the processes for reviewing, updating and strengthening the MTT in the future.

### Section 2: Data Collection Methods

The Monitoring Team utilized five data collection methods to measure indicators related to each element under the Key Milestones. These data collection methods are:

#### 1. Media Monitoring

Media monitoring focuses on news coverage of fundamental freedoms. This method is used in two ways: first, it is used to collect data for indicators that seek to measure changes in the 'enabling environment', including changes in the RGC's implementation or interpretation of laws affecting fundamental freedoms. Second, it provides a means of tracking the number and types of incidents in which fundamental freedoms are violated or restricted.

Media Monitoring is undertaken daily by Media Monitoring Team. Major national Cambodian newspapers, and several other media sources, are reviewed to identify relevant stories. Media sources include: the Phnom Penh Post (Khmer & English), the Cambodia Daily (Khmer & English), Khmer Times, Radio Free Asia, Radio France International, Dap News, Voice of Democracy, Voice of America, VAYO, Kohsantepheap, Reaksmei Kampuchea, Thmey Thmey, Kampuchea Thmey, Freshnews, Deum Tnot News, Women's Media Center, Preinokor, Khmer Sthapana News and Norkorwat News Daily, though it is notable that this monitoring period has witnessed the closure and sanctioning of a number of these sources (The Cambodia Daily included).

Once relevant articles are identified, they are reviewed by Monitoring Officers, who then enter the key information into a Media Monitoring Database. The Media Monitoring Database was developed to classify articles across several categories that correspond to individual indicators and elements contained in the MTT. The Monitoring Database is systematically reviewed each quarter.

#### 2. The Incident Reporting Mechanism

Alongside the Media Monitoring Mechanism, the Monitoring Team designed an Incident Report Form to further capture incidents of restrictions and violations of fundamental freedoms.

The Incident Report Form provides a means for individuals or associations who believe their fundamental freedoms have been violated to report these incidents to the Monitoring

## Fundamental Freedoms Monitoring Project

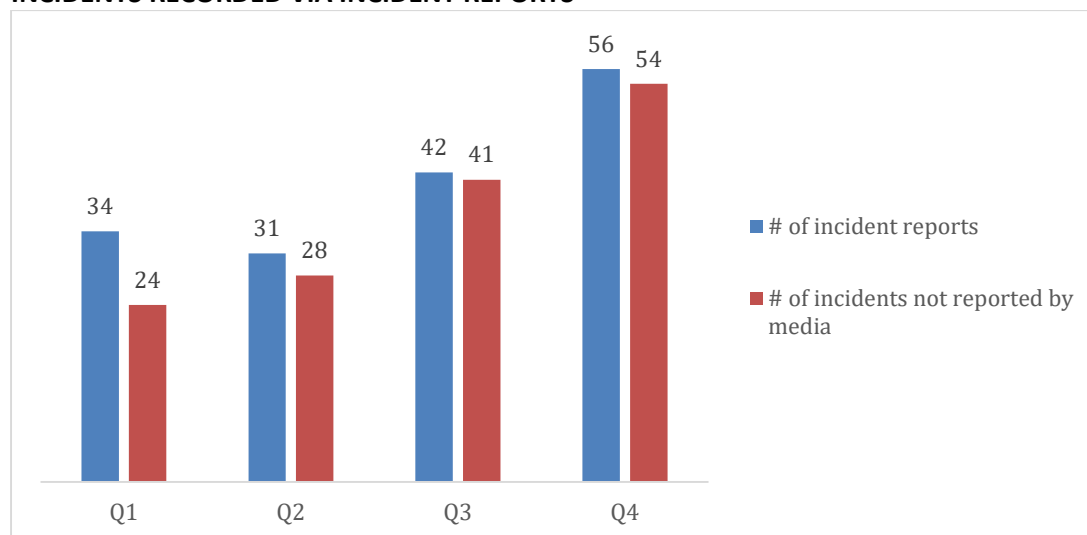
Team. When the Monitoring Team receives a complaint, or hears about a violation, it follows up with the alleged victim(s) and completes an Incident Report Form.

The Incident Report Form captures both qualitative and quantitative data, including information about the incident itself, the location, the people involved, the type of association (if relevant) and the type of violation. Once an Incident Report Form is completed, team enters the key information into an Incident Reporting Database, where it can then be analyzed by the Monitoring Team. Case studies have been selected from among the Incident Reporting Database in order to highlight important cases or emerging trends.

Data quality checks are carried out on an ongoing basis and at the end of each quarter.

During Year Two, The Monitoring Team received 163 Incident Reports, containing 147 unique restrictions or violations (i.e. restrictions or violations that were not reported in the media) (see Figure 7). The majority of incidents took place in Phnom Penh, with high numbers of incidents being reported in Ratanakiri, Koh Kong, Siem Reap, Battambang, and Kampong Speu.

### INCIDENTS RECORDED VIA INCIDENT REPORTS



Source: FFMP Incident Reporting Database, May 2018

### 3. The Survey of CSO and TU leaders (the CSO/TU Leaders' Survey)

A CSO/TU Leaders' Survey is an annual survey designed to capture the feelings and experiences of CSO/TU leaders with regards to their ability to exercise fundamental freedoms, in addition to other related issues.

CSO/TU leaders were selected at random to participate in the survey, using a sampling technique based on the records from major NGO coalitions and union confederations. The survey was completed online and through face-to-face interviews with 169 respondents.

The CSO/TU Leaders' Survey was carried out from 21 November 2017 – 20 December 2017. The results of the survey were entered into a database, verified, translated and cleaned, before being analyzed to identify trends in the different characteristics of CSOs or TUs which participated in the survey, as well as in the MTT indicators.

### 4. The Public Poll on Freedom of Association (the Public Poll)

A Public Poll was designed to gauge the general public's sentiment towards the exercise of fundamental freedoms, and is conducted annually so as to gauge shifts in this sentiment.

Convenience sampling is used to administer the poll. Consequently, the data collection form for the Public Poll was designed to be quickly administered in public locations around

## Fundamental Freedoms Monitoring Project

Cambodia, and does not seek to assess public sentiment in significant depth. The Monitoring Team went to sites where people congregate (markets, parks, shopping centers, etc.) and randomly selected people to participate in the poll.

The Public Poll was conducted between 13 February and 30 March 2018 across 21 provinces and included 996 respondents. The results of the poll were entered into a database by Monitoring Team staff. The data was then analyzed to identify trends in the different characteristics of the respondents, as well as in the MTT indicators.

### 5. The Desk Review of Relevant Laws, Regulations, Decrees and Orders (the Desk Review)

The Desk Review constitutes an analysis of relevant Cambodian laws, Prakas, Circulars, Directives, and other policies, reports and regulations that affect the protection and exercise of fundamental freedoms. The Desk Review assesses the degree to which the Cambodian legal framework sufficiently guarantees fundamental freedoms, as required under international human rights law. As such, the Desk Review is concerned with the letter of the law, as opposed to its implementation.

Following a thorough review of international human rights norms and standards, 36 indicators were identified as illustrative of whether or not fundamental freedoms are respected.<sup>170</sup>

As of Year 2, the following laws, subsequent amendments, and associated documents such as *Prakas*, are included in the Desk Review:

- The Constitution of the Kingdom of Cambodia (1993)<sup>171</sup>
- The Criminal Code of the Kingdom of Cambodia (2009)<sup>172</sup>
- The Civil Code of Cambodia (2007)<sup>173</sup>
- The Law on Associations and Non-Governmental Organizations (2015)<sup>174</sup>
- The Law on Peaceful Assembly (2009)<sup>175</sup> & The Implementation Guide to the Law on Peaceful Demonstration (2010)<sup>176</sup>
- The Law on Telecommunications (2016)<sup>177</sup>
- The Law on the Press (1995)<sup>178</sup>
- Law on Counter-Terrorism (2007)<sup>179</sup>
- Law on Trade Unions (2016)<sup>180</sup>
- Law on Education (2007)<sup>181</sup>

---

<sup>170</sup> See Annex 2.

<sup>171</sup> Available at: [http://www.sithi.org/temp.php?url=law\\_detail.php&lg=&id=222](http://www.sithi.org/temp.php?url=law_detail.php&lg=&id=222). The updated version of the Constitution, as last amended in February 2018, is not yet available online.

<sup>172</sup> Available at: [http://www.sithi.org/temp.php?url=law\\_detail.php&lg=&id=154](http://www.sithi.org/temp.php?url=law_detail.php&lg=&id=154). The updated version of the Code, as last amended in February 2018, is not yet available online.

<sup>173</sup> Available at: [http://www.sithi.org/temp.php?url=law\\_detail.php&id=201](http://www.sithi.org/temp.php?url=law_detail.php&id=201).

<sup>174</sup> Available at: [http://www.sithi.org/temp.php?url=law\\_detail.php&lg=&id=275](http://www.sithi.org/temp.php?url=law_detail.php&lg=&id=275).

<sup>175</sup> Also translated as “Law of Peaceful Demonstration”, available at: [http://www.sithi.org/admin/upload/law/New\\_Law\\_on\\_Peaceful\\_Demonstration2009\(Kh\).pdf](http://www.sithi.org/admin/upload/law/New_Law_on_Peaceful_Demonstration2009(Kh).pdf) (Khmer) and <https://www.licadho-cambodia.org/delusion2011/laws/DemonstrationLaw-English.pdf> (English).

<sup>176</sup> Decision No. 2337, Decision on the Introduction of the Implementation Guide to the Law on Peaceful Demonstration (8 December 2010), Ministry of Interior, available at: [http://cambodia.ohchr.org/sites/default/files/Implementation\\_Guide-Rev\\_Eng.pdf](http://cambodia.ohchr.org/sites/default/files/Implementation_Guide-Rev_Eng.pdf).

<sup>177</sup> Available at: [http://www.sithi.org/temp.php?url=law\\_detail.php&lg=&id=277](http://www.sithi.org/temp.php?url=law_detail.php&lg=&id=277).

<sup>178</sup> Available at: [http://www.sithi.org/temp.php?url=law\\_detail.php&lg=&id=75](http://www.sithi.org/temp.php?url=law_detail.php&lg=&id=75).

<sup>179</sup> Available at: [http://www.sithi.org/temp.php?url=law\\_detail.php&lg=&id=133](http://www.sithi.org/temp.php?url=law_detail.php&lg=&id=133).

<sup>180</sup> Available at: [http://www.sithi.org/temp.php?url=law\\_detail.php&lg=&id=278](http://www.sithi.org/temp.php?url=law_detail.php&lg=&id=278).

<sup>181</sup> Available at: <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->

## Fundamental Freedoms Monitoring Project

- Law on Agricultural Cooperatives (2013)<sup>182</sup>
- Law on Political Parties (1997)<sup>183</sup>
- Law on the Organization and Functioning of the Constitutional Council (1998)<sup>184</sup>
- Law on the Election of the Members of the National Assembly (1997)<sup>185</sup>
- Law on the Election of Commune Councils (2001)<sup>186</sup>
- Law on Anti-Corruption (2010)<sup>187</sup>
- Sub-Decree No. 148 on the Establishment and Management of the Special Economic Zone (2005)<sup>188</sup>

Several MTT indicators rely on these laws and regulations as the primary data source. On completing an analysis of each relevant law or regulation, staff assigned a rating, based on a five-point scale that scored Cambodia's legal framework against international human rights standards. The Monitoring Team assesses each of these indicators as impartially and objectively as possible, based only on the laws and regulations that are available. Where laws or regulations are not available, the indicator is deemed immeasurable.

The Desk Review is an ongoing exercise throughout the FFMP. Desk Review reports are generated quarterly to update analyses of laws and regulations that have been amended, as well as to include analyses of new or recently reviewed laws and regulations.<sup>189</sup>

### 6. Trade Union Registration Evaluation Tool

The mandatory registration of associations is one of the most contentious aspects of the Trade Union Law, which presents opportunities for officials to violate freedom of association. Thus, monitoring the efficiency and effectiveness of the registration processes will provide crucial insight into how well fundamental freedoms are protected.

The Monitoring Team captures this data through a “mystery shopper” exercise whereby select associations and trade unions evaluate their experiences registering under the TUL, using an evaluation form designed by the Monitoring Team. The evaluation form tracks interactions with government officials as trade unions navigate the registration process. The FFMP's Trade Union Registration Evaluation Tool recorded the experiences of 72 trade unions as they attempted to register under the TUL in Year Two.

---

[%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.](#)

<sup>182</sup> Available at: <https://ctoacu.com/wp-content/uploads/2018/02/95208.pdf>.

<sup>183</sup> Available at: [http://www.sithi.org/temp.php?url=law\\_detail.php&lg=&id=65](http://www.sithi.org/temp.php?url=law_detail.php&lg=&id=65). The updated version of the Law, as last amended in July 2017, is not yet available online.

<sup>184</sup> Available at: <http://ngocedaw.org/wp-content/uploads/2014/10/Law-on-CC.-Eng.pdf>. The updated version of the Law, as last amended in February 2018, is not yet available online.

<sup>185</sup> Available at: [http://aceproject.org/ero-en/regions/asia/KH/cambodia-law-on-elections-of-members-of-the-at\\_download/file](http://aceproject.org/ero-en/regions/asia/KH/cambodia-law-on-elections-of-members-of-the-at_download/file). The updated version of the Law, as last amended in October 2017, is not yet available online.

<sup>186</sup> Available at: [http://sithi.org/temp.php?url=law\\_detail.php&id=67&lg=](http://sithi.org/temp.php?url=law_detail.php&id=67&lg=). The updated version of the Law, as last amended in October 2017, is not yet available online.

<sup>187</sup> Available at: [http://www.cambodiainvestment.gov.kh/anti-corruption-law\\_100417.html](http://www.cambodiainvestment.gov.kh/anti-corruption-law_100417.html).

<sup>188</sup> Available at: [http://www.cambodiainvestment.gov.kh/sub-decree-148-ankr-bk-on-the-establishment-and-management-of-the-special-economic-zone-final\\_060314.html](http://www.cambodiainvestment.gov.kh/sub-decree-148-ankr-bk-on-the-establishment-and-management-of-the-special-economic-zone-final_060314.html).

<sup>189</sup> More information regarding the desk review is available upon request.



## Annex 2 – FFMP Results Table

The table below provides a summary of the data gathered by the Monitoring Team over 'Year 2' of monitoring (01 April 2017 – 31 March 2018). For Indicators that relied on a desk review as the source of data, a rating out of five was assigned in keeping with an assessment of the relevant documents (1=lowest rating possible, 3=average rating, 5=highest rating possible). For Indicators that relied on data sourced from the CSO/TU Leader Survey and Public Poll, a number generated from an analysis of the responses. For Indicators that relied on Media Monitoring and Incident Reports as a data source, data was tallied and analyzed on a quarterly basis. Where possible, the annual result has been included for each indicator and has been color coded according to the following key.

Key:

Highest Possible Rating
Average Rating
Lowest Possible Rating
Unable to Rate

Element	Indicator/s	Data Source	Y1 Score	Q1	Q2	Q3	Q4	Num.	Denom.	Y2 Score	Notes
<b>1.1: FoAA&amp;E are guaranteed under domestic law</b>	Degree to which Cambodian laws or policies respect FoAA&E	Desk Review of Laws and Regulations	3	3	3	3	3	n/a	n/a	3	The Cambodian Constitution, along with directly applicable international human rights treaties, provide guarantees to freedom of association, freedom of expression and freedom of assembly; however, those are significantly weakened by the February 2018 constitutional amendments, which, using overly broad language, requires both individuals and political parties to "uphold national interests" and prohibits them from undertaking "any activities" which "directly or indirectly" affect "the interests" of the Kingdom of Cambodia and of Khmer citizens", which significantly limits people's freedoms. Further, the guarantees of the fundamental freedoms' rights only apply to Cambodian citizens, and not others living in Cambodia. Thanks to the Sub-decree 148 on Special Economic Zones, such rights extend to workers in the SEZ. The LANGO & TUL provide some guarantees, but also contain a number of provisions that restrict fundamental freedoms. Freedom of expression is significantly curtailed in a number of laws, including the Law on Political Parties, the Education Law the Penal Code and Telecommunications Law. The law on peaceful assembly, while being partially consistent with international standards, also contains vague provisions which could jeopardize freedom of assembly.
<b>Freedom of Association</b>											

## Fundamental Freedoms Monitoring Project

<b>1.2: The registration process for associations is fair and transparent</b>	Degree to which the registration process and fee schedule for registering associations is publicly advertised and clearly prescribed	Desk Review of Laws and Regulations	n/a	1	1	1	1	n/a	n/a	1	<i>The LANGO outlines burdensome registration requirements, particularly for smaller organizations with limited resources. It also prevents certain individuals, such as individuals who do not hold the Khmer nationality, as well as persons under 18, from establishing a domestic association or NGO. There is also a lack of procedural safeguards in the registration process, including an absence of clearly set out grounds for rejection of a registration request, thereby leaving the door open for arbitrary rejection. The TUL contains similarly onerous requirements for registration.</i>
<b>1.3: There is no limitations to the number of associations that can exist for similar purposes</b>	Degree to which laws or policies limit associations from being established for similar purposes	Desk Review of Laws and Regulations	5	5	5	5	5	n/a	n/a	5	<i>There is no limit on the number of associations that may exist for similar purposes in the LANGO or other laws.</i>
<b>1.4: Associations can freely form networks of organizations, coalitions, federations, or other types of unions</b>	Degree to which laws or policies permit associations to form networks of organizations, coalitions, federations, or other types of unions	Desk Review of Laws and Regulations	3	2	2	2	3	n/a	n/a	3	<i>The LANGO defines both domestic associations and NGOs as being potentially established by a "legal entity" which implies that networks of organizations, coalitions, etc. would be permitted. While it explicitly recognizes the right for unions and employer associations to freely consult each other and affiliate with other unions and employer associations, the TUL also sets out an impermissibly restrictive test which constitutes an unjustified barrier to the formation of such network.</i>
<b>1.5: Registration for associations is voluntary</b>	Degree to which laws or policies permit the voluntary registration of associations	Desk Review of Laws and Regulations	1	1	1	1	1	n/a	n/a	1	<i>The LANGO, TUL, LPP, and Law on Agricultural Cooperatives require mandatory registration. The LANGO's definition of association is exceptionally broad, potentially applying to every informal group in Cambodia.</i>
<b>1.6: Provisions for the supervision of associations comply with international standards</b>	Degree to which laws or policies for the oversight of associations that are in keeping with international standards	Desk Review of Laws and Regulations	2	2	2	1	1	n/a	n/a	1	<i>The score was reduced to 1 following the issuance of the October 2017 MoI letter implementing a prior notification regime for all CSO activities. International best practices dictate a minimalist approach to regulation/oversight, with very close scrutiny of attempts to interfere with the choices that associations and their members make about the organization and its affairs. The LANGO requires associations to give advance notification of certain activities that take place outside the 'home' province, and demands that INGOs closely cooperate with the RGC. The TUL specifies the content of unions' statutes, the amount of members' dues, and leaders' term limits.</i>
<b>1.7: Protections for associations from third parties are in place</b>	Degree to which laws or policies protect associations from third party interference	Desk Review of Laws and Regulations	3	3	3	3	3	n/a	n/a	3	<i>The constitutional guarantee of FoA applies, but the LANGO has no specific protections for associations or sanctions for 3rd parties who interfere with associations. The TUL, however, contains protections for unions from interference by employers into their internal affairs and collective bargaining, and from illegal disruptions to a strike. There are also sanctions for those who interfere with the formation of unions, federations and coalitions. The Special Economic Zones Trouble Shooting Committee has the power to receive complaints but only from the</i>

## Fundamental Freedoms Monitoring Project

											zone investors or the zone developer. This Committee could be used by such actors to interfere with relevant associations, such as trade unions.
<b>1.8: Association reporting requirements to the RGC comply with international best practices</b>	Degree to which reporting requirements comply with international best practices	Desk Review of Laws and Regulations	2	2	2	2	2	n/a	n/a	2	The reporting requirements of both the TUL and LANGO are deemed to be onerous and thus not in compliance with international best practices. This rating could decrease if the LANGO is applied to all groups, formal and informal, without adequate resources to meet reporting requirements. Without the implementation prakas, this remains unclear.
<b>1.9: Sanctions for associations are prescribed by law, proportionate, publicly available, narrowly defined, transparent and easy to understand</b>	Degree to which sanctions for associations are prescribed by law, proportionate, publicly available, narrowly defined, transparent and easy to understand	Desk Review of Laws and Regulations	2	1.5	1.5	1.5	1.5	n/a	n/a	1.5	While the TUL and LANGO do prescribe specific sanctions for activities deemed "unlawful," many are not narrowly defined, easy to understand, proportionate or transparent. The LANGO provides a wide range of sanctions, including dissolution and deregistration, for vague, ill-defined and difficult to understand actions, such as not being "political neutral". The TUL contains similarly ill-defined, vague actions that can result in sanctions, including a ban on organizing for "political purposes" or for "personal ambitions." The Penal Code enumerates many ill-defined and disproportionate sanctions that can apply to associations and leaders, including for "incitement to commit a crime", "insult", "criticism of a judicial order" and defamation. Art. 42 of the Penal Code says a legal entity can be held criminally liable for offences of its staff. The Telecommunications Law also contains sanction for disproportionate, broad and ill-defined actions. The Counter-Terrorism Law contains several sanctions for associations, including dissolution and closure of premises; this law could be misinterpreted for punitive use against CSOs. The Law on the Election of Members of the National Assembly and the Law on the Election of Commune Councils create sanctions for NGOs for vaguely defined reasons, which leaves the door open for abuses.
<b>1.10:Procedural safeguards are in place for associations facing sanctions</b>	Degree to which safeguards are in place for associations facing sanctions	Desk Review of Laws and Regulations	2	2	2	2	2	n/a	n/a	2	There are some safeguards included in the LANGO, such as escalating penalties and a right of appeal in cases of deregistration, but overall safeguards are inadequate. The TUL contains no right of appeal to a court of law for administrative sanctions, although Prakas 251 of the Ministry of Labor and Vocational Training (MLVT) has created a limited right of administrative appeal to the MLVT when a warning letter is received or a fine imposed. For penalties contained in the Penal Code, there is a right of appeal. The LPP contains

## Fundamental Freedoms Monitoring Project

											limited safeguards for sanctions, even though the executive enjoys a high degree of discretion in imposing the penalties, which are broadly and vaguely defined.
<b>1.11: The right to voluntary dissolution is protected by law</b>	Degree to which voluntary dissolution is protected by law	Desk Review of Laws and Regulations	4	4	4	4	4	n/a	n/a	4	The LANGO provides the right to voluntary dissolution. It contains some requirements around dissolution, which are reasonable. The Civil Code guarantees voluntary dissolution of legal entities at article 64(1).
<b>1.12: Dissolution is only possible after other legal avenues are exhausted and clear and imminent danger from the association is present</b>	Degree to which dissolution processes are in place	Desk Review of Laws and Regulations	1	1	1	1	1	n/a	n/a	1	Dissolution of associations is possible under the Penal Code, Counter-Terrorism Law, LANGO, LPP, and TUL. In each case, dissolution can be imposed as a purely punitive measure, not as a proportionate, last-resort response to a danger presented by the continued operation of the association.
<b>1.13: Associations are permitted to engage in economic activities</b>	Degree to which laws or policies permit associations to engage in economic activities	Desk Review of Laws and Regulations	5	4	4	4	4	n/a	n/a	4	There is no law regulating Cambodian NGOs' engagement in economic activities; While this right isn't protected, it is not prohibited either. The TUL however, prevents unions from running a business, except for those holding the Most Representative status in the workplace.
<b>1.14: Access to foreign funding is permitted under the law</b>	Degree to which the law permit associations to access foreign funding	Desk Review of Laws and Regulations	4	4	4	4	4	n/a	n/a	4	There are no legal prohibitions on associations from receiving foreign funding. However, Article 27 of the LANGO places additional, stringent reporting requirements on NGOs that seek and/or receive foreign funds.
<b>1.15: Associations do not face unreasonable restrictions on receiving funding from private sources (domestic)</b>	Degree to which laws or policies permit associations to receiving funding from private sources without unreasonable restrictions	Desk Review of Laws and Regulations	4	4	4	4	4	n/a	n/a	4	There are no legal prohibitions on receiving funding from private domestic sources. However, LANGO's reporting requirements are applicable on receipt of funding.
<b>1.16: Financial reporting obligations are not onerous</b>	Degree to which financial reporting requirements are in compliance with international best practices	Desk Review of Laws and Regulations	2	2	2	2	2	n/a	n/a	2	The LANGO imposes heavy financial reporting obligations, including the provision of annual financial reports and detailed information on funding received. Stringent financial reporting requirements are also contained in the TUL, and subject to change from the Minister of Labor at any time. Finally, the Anti-Corruption law also provides a new obligation to declare assets and liabilities to the Anti-Corruption Unit.

## Fundamental Freedoms Monitoring Project

<b>1.17: Mechanisms for redress for violations of FoA are in place</b>	Degree to which redress systems for violations of FoA are guaranteed by laws and policies	Desk Review of Laws and Regulations	3	3	3	3	2.5	n/a	n/a	2.5	<i>The Law on the Organization and the Functioning of the Constitutional Council allows for citizens to challenge laws or decisions that constitute violations of their constitutional rights, but this law was amended in February 2018 to disallow political parties from appealing decisions to reject their registration requests at the MoI - leading to a reduced score in Y2 .The Constitution empowers citizens to challenge any violations of their constitutional rights. However, judicial review procedures are not clearly defined, making these guarantees much less effective. Further, the February 2018 amendments to the law on the organization and functioning of the constitutional council removes the possibility for a political party to appeal a decision of the Ministry of Interior denying its registration.</i>
<b>Freedom of Assembly</b>											
<b>1.18: Presumption in favor of holding peaceful assemblies is clearly and explicitly established</b>	Degree to which the legal framework establishes a presumption in favor of peaceful assemblies being permitted	Desk Review of Laws and Regulations	n/a	3	3	3	3	n/a	n/a	3	<i>No legislation explicitly and clearly establish a presumption in favor of holding peaceful assemblies. The Law on Peaceful Assembly does not set out a presumption in favor of holding peaceful assemblies, even though authorities shall permit the holding of a peaceful assembly unless one of two exceptional conditions are met. Further, the extremely narrow scope of the law, which excludes election campaign rallies, or assemblies related to a labor dispute for instance, goes against the establishment of the above-mentioned presumption. The same reasoning applies for the Labor Law, which excludes a number of activities from the scope of its protection. The Law on the Election of Members of the National Assembly and the Law on the Election of Commune Council do not contain a reference to this presumption as well.</i>
<b>1.19: Assemblies do not require previous authorization by RGC or other authorities</b>	Degree to which the legal framework protects the right to assembly without authorization	Desk Review of Laws and Regulations	n/a	4	4	3.5	3.5	n/a	n/a	3.5	<p>The existing laws require a system of prior notification rather than prior authorization. However, the fact that a peaceful assembly may be stopped by the competent authorities, if proper notification was not submitted, does not conform to IHRL.</p> <p>The score was reduced as a result of the October 2017 MoI letter, which requires all associations and NGOs, if they wish to “undertake activities”, to inform the authorities in writing beforehand. While the authorities are not required to respond, which therefore qualifies this system as one of prior notification – permitted under IHRL, the letter nonetheless gives the right to the competent authority to “stop the activity and requires the competent authorities to “urgently” report to the MoI any activity taking place without prior notification. As such, the letter violates freedom of assembly as it unduly restricts it. The letter also goes beyond the notification process covered in the 2009 Law on Peaceful Assembly, which does not require prior notification for “other gatherings which serve religion, art, culture, national customs and tradition”</p>

## Fundamental Freedoms Monitoring Project

											or for “educational dissemination activities for social interests”. Last but not least, the letter violates IHRL since it does not amount to a legitimate restriction on freedom of assembly, as such restriction is not contained in the LANGO, and the letter does not qualify as “law”.
<b>1.20: Prohibition of assemblies is noted as a measure of last resort, and is necessary and proportionate to the aim pursued</b>	Degree to which the legal framework enables prohibition only as a measure of last resort, and when necessary and proportionate to the aim pursued	Desk Review of Laws and Regulations	n/a	3	3	2.5	2.5	n/a	n/a	2.5	<p><i>While the Law on Peaceful Assembly provides two conditions under which a notification of an assembly can be denied, both of which are vaguely worded. The implementation guide sets the applicable standard as to which type of information could lead to the prohibition of an assembly, and suggests that alternatives other than the prohibition should be discussed first.</i></p> <p><i>The score was reduced as a result of the October 2017 MoI letter, which gives the right to the competent authority to stop any activity taking place without prior notification, and requires the competent authorities to “urgently” report to the MoI any such activity. As such, the letter violates freedom of assembly as it unduly restricts it. Further, while the Law on Peaceful Assembly provides two conditions under which a notification of an assembly can be denied, both of which are vaguely worded. The implementation guide of the Law on Peaceful Assembly sets the applicable standard as to which type of information could lead to the prohibition of an assembly, and suggests that alternatives other than the prohibition should be discussed first.</i></p>
<b>1.21: Timely and fulsome reasons for the imposition of any restrictions are required</b>	Degree to which the legal framework requires timely and fulsome reasons for restrictions on assemblies	Desk Review of Laws and Regulations	n/a	4	4	3.5	3.5	n/a	n/a	3.5	<p><i>The existing legal framework requires the provision of reasons for the imposition of restrictions, and set out a presumption of authorization if no answer is received to the notification of assembly. The vague wording of the relevant legislation, including the LANGO, however, may give rise to abuse.</i></p> <p><i>The score was reduced as a result of the October 2017 MoI letter, which grants the local authorities as well as other, undefined “competent authorities” the right to stop the activities of an association or NGO, if it failed to inform them about the said-activities, or if the said-activities would endanger public order or national security. The letter does not require the provision of reasons for the restriction imposed. Further, the letter does not exclude some activities – such as educational activities – from its scope, unlike the 2009 Law on Peaceful Assembly. As such, the letter impermissibly violates both the provisions of the Law on Peaceful Assembly, which requires the provision of reasons for the imposition of restrictions, and IHRL.</i></p>
<b>1.22: Blanket time and location prohibitions are not mandated</b>	Degree to which blanket time and/or location prohibitions are stated in the legal framework	Desk Review of Laws and Regulations	n/a	4	4	4	4	n/a	n/a	4	<p><i>The only existing blanket restriction is contained in the Law on Peaceful Assembly permits the prohibition of an assembly for the sole reason that it would take place on a public holiday, which does not pursue a legitimate aim as listed in Article 21 of the ICCPR.</i></p>



## Fundamental Freedoms Monitoring Project

<b>1.23: Simultaneous assemblies at the same location and time are allowed</b>	Degree to which the legal framework allows simultaneous assemblies	Desk Review of Laws and Regulations	n/a	5	5	5	5	n/a	n/a	5	<i>There is no prohibition on simultaneous assemblies. On the contrary, the implementation Guidelines on the Demonstration Law make clear that authorities should “use their best efforts” to assure that all groups wanting to demonstrate are able to do so and that, “to the extent possible”, they are able to do so in the manner, time and location they requested.</i>
<b>1.24: An expedited appeal procedure before an independent and impartial body is established for assembly restrictions</b>	Degree to which expedited appeals procedures are provided for in the legal framework	Desk Review of Laws and Regulations	n/a	3	3	3	3	n/a	n/a	3	<i>The Law on Peaceful Demonstration contains an expedited appeal procedure to the Minister of Interior. However, it cannot be considered to be an “Independent and impartial body”.</i>
<b>1.25: Prior notification procedure for assemblies conforms with international best practice</b>	Degree to which the legal notification procedures for assemblies conforms to international best practice	Desk Review of Laws and Regulations	n/a	4	4	3.5	3.5	n/a	n/a	3.5	<i>Generally, the notification procedure respects IHRL and appear proportionate. The information required are not too burdensome; it could legitimately be required. However, the Demonstration Law imposes a disproportionate restriction on freedom of assembly by imposing prior notification requirements on all gatherings, with no minimum number of participants. The score was reduced as a result of the October 2017 MoI letter, which requires all associations and NGOs, if they wish to “undertake activities”, to inform the authorities in writing beforehand, 3 days in advance. The letter also goes beyond the notification process covered in the 2009 Law on Peaceful Assembly, which does not require prior notification for “other gatherings which serve religion, art, culture, national customs and tradition” or for “educational dissemination activities for social interests”. Further, it gives the right to the competent authority to stop any activity taking place without prior notification, without having to provide reasons.</i>
<b>1.26: Organizers are not subject to criminal or administrative sanctions for failure to notify authorities</b>	Degree to which the legal framework contains criminal and/or administrative sanctions for organizers failing to notify authorities of an assembly	Desk Review of Laws and Regulations	n/a	3	3	3	3	n/a	n/a	3	<i>The Law on Peaceful Assembly provides for a warning to be given to an assembly organizer who does not provide a notification. Both the TUL and the Labor Law provides that strikes not complying with their provisions, including the prior notification requirements, are to be considered unlawful. However, only a court can determine the legality or illegality of a strike.</i>
<b>1.27: Police are obliged to facilitate peaceful assemblies</b>	Degree to which policing laws and policies support the peaceful assemblies	Desk Review of Laws and Regulations	n/a	5	5	5	5	n/a	n/a	5	<i>The Law on Peaceful Assembly provide that the competent authorities should be responsible in protecting the peaceful demonstration, and shall not interfere in the conduct of the peaceful assembly. In case of violence, the implementation guidelines state unequivocally that an assembly can only be dispersed when no other option exist; it adds that the actions of the police must be proportional to the situation and only be used to the extent necessary.</i>



## Fundamental Freedoms Monitoring Project

<b>1.28: Organizers of assemblies are not responsible for financial charges for the provision of public services</b>	Degree to which the legal framework protects organizers from being financially responsible for the provision of public services during assemblies	Desk Review of Laws and Regulations	n/a	5	5	5	5	n/a	n/a	5	<i>The Law on Peaceful Assembly does not provide that assembly organizers are responsible for financial charges for the provision of public services.</i>
<b>1.29: Assembly organizers and participants are not responsible or liable for the unlawful conduct of others, or the maintenance of public order</b>	Degree to which the legal framework enables organizers and participants to be held legally responsible for the unlawful conduct of others and/or the maintenance of public order	Desk Review of Laws and Regulations	n/a	4	4	4	4	n/a	n/a	4	<i>Assembly organizers are not responsible or liable for property damage related to an event turned violent. In case a peaceful assembly turns violent, as referred to in Article 20 (2), the assembly organizers shall receive a written warning. Articles 23 to 27 deal with a number of situations such as the carrying of weapons or dangerous substances, robbery, damage to private or public property, violence resulting in injuries or death. In all cases, the law states clearly that the individual who commits the act is to be held responsible. It does not attribute liability for the organizers and participants for the actions or others.</i>
<b>1.30: State use of force is mandated only when indispensable to control the situation in a reasonable and proportional manner</b>	Degree to which the legal framework limits the State's use of force to situations where it is indispensable to control the situation, in a reasonable and proportional manner	Desk Review of Laws and Regulations	n/a	4	4	4	4	n/a	n/a	4	<i>Amongst the range of actions available for the state in case a demonstration turns violent, which include the confiscation of weapons or taking into custody. The law makes no provision for the use of force by the authorities, although it does not explicitly prohibits it. The Implementation Guidelines state that actions by the police must always be proportional and only to the extent necessary to restore order.</i>
<b>1.31: A communications records system to monitor orders, those responsible for them, and those implementing them, is mandated</b>	Degree to which a communications records system is mandated by the legal framework	Desk Review of Laws and Regulations	n/a	2	2	2	2	n/a	n/a	2	<i>The Law on Peaceful Assembly does not provide for a communication record system. It does however require the relevant authorities to properly identify themselves.</i>
<b>Freedom of Expression</b>											
<b>1.32: Restrictions to FoE comply with the three-part test from Article 19 of ICCPR</b>	Degree to which laws affecting FoE comply with the three-part test from Article 19 of ICCPR	Desk Review of Laws and Regulations	n/a	1	1	1	1	n/a	n/a	1	<i>Even though FoE is protected by both the Cambodian Constitution and the international instruments to which Cambodia is a party, there is a significant number of laws which significantly limit this right, including the Criminal Code, the LANGO, the Law on the Election of Commune council, the Telecommunication law and the education law. The restrictions are not strictly defined in law, therefore not meeting the requirements of IHRL.</i>

## Fundamental Freedoms Monitoring Project

<b>1.33: Defamation is decriminalized</b>	Degree to which defamation is decriminalized	Desk Review of Laws and Regulations	n/a	2	2	2	2	n/a	n/a	2	Defamation and "public insult" is still a criminal offence in Cambodia. While the penalty does not include imprisonment, it is punishable by a fine under the Criminal Code. Further, in February 2018, the Criminal Code was amended to include the offense of "insult to the King" or lèse majesté, which carries automatic imprisonment as well as a fine as punishment.
<b>1.34: Surveillance of communications can occur only after meaningful judicial oversight</b>	Degree to which the legal framework ensures that surveillance of communications only occurs after meaningful judicial oversight	Desk Review of Laws and Regulations	n/a	1	1	1	1	n/a	n/a	1	The Law on Telecommunications provides broad powers to the Government to survey any and all telecommunication, when conducted with the approval of the non-defined term of "legitimate authority". Similarly, the 2010 Anti-Corruption law provides far-reaching and intrusive powers to the Anti-Corruption Unit, including the provision of judicial police's powers to some of its officials, without any judicial oversight.
<b>1.35: The right to information is protected and promoted</b>	Degree to which the right to information is protected and promoted by the legal framework	Desk Review of Laws and Regulations	n/a	1	1	1	1	n/a	n/a	1	The right to information is not protected by law.
<b>1.36: Internet access cannot be arbitrarily shut down</b>	Degree to which access to the internet is guaranteed by law and protected from arbitrary restrictions	Desk Review of Laws and Regulations	n/a	3	3	3	3	n/a	n/a	3	While there are no legislative provisions explicitly granting the Government the power to shut down the internet, the broad drafting of article 7 of the telecommunication law could lead to it being used to arbitrarily shut down the internet.
<b>Key Milestone 2: The legal framework for the Freedoms of Association, Assembly and Expression are properly implemented and properly enforced</b>											
			<b>Year 1</b>	<b>Year 2</b>							
<b>Element</b>	<b>Indicator/s</b>	<b>Data Source</b>	<b>Y1 Score</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Num.</b>	<b>Denom.</b>	<b>Y2 Score</b>	<b>Notes</b>
<b>2.1: RGC institutions understand the rights and obligations related to FoAA&amp;E</b>	% of statements in the media that show a correct understanding of FoAA&E by RGC representatives	Media Monitoring	48%	35%	27%	11%	23%	154	670	23%	
<b>Freedom of Association</b>											
<b>2.2: RGC institutions respect the rights, obligations and exercise of FoA</b>	# of reports in the media where the RGC demonstrates respect the rights, obligations and exercise of FoA	Media Monitoring	202	17	6	3	7	33	n/a	33	
	# of incidents reported where RGC institutions are violating FoA	Incident Reporting	114	24	120	28	48	220	n/a	220	

## Fundamental Freedoms Monitoring Project

<b>2.3: The registration process for associations is implemented fairly and transparently</b>	Degree to which the registration process for associations is implemented fairly and transparently	'Mystery Shopper' Evaluation of the Registration Process for Associations	n/a	n/a	n/a	1	n/a	n/a	n/a	1	Information on this indicator was only available from two NGOs, and is therefore insufficient to determine any illustrative trend. It is worth noting that however, both NGOs highlighted a general lack of information about the process. They also reported that after submitting their application for registration, they were told that the bylaw attached to their applications did not follow the proper format, and were asked to correct it. This happened multiple times, despite the fact that the authorities had failed to publish a template for bylaw. During quarter 3, MoI published a template for bylaw. Once this was done, the two NGOs updated their application by attaching the corrected bylaw. However, they were asked to submit their bylaw again, on the basis that the language and formatting used in their bylaw was incorrect. Upon re-submission of the bylaw, after they obtained legal help to assist them with using the proper legal formulation, their applications were successful.
<b>2.4: Multiple associations may exist for similar purposes</b>	# of registration applications denied due to multiple associations existing for similar purposes	Incident Reporting	0	0	1	0	0	0	n/a	1	
		'Mystery Shopper' Evaluation of the Registration Process for Associations	n/a	0	0	0	0	0	n/a	0	No registrations were denied for this reason.
<b>2.5: Associations can freely form networks, coalitions, federations, or other types of unions</b>	% of association leaders who report interference with attempts to form networks, coalitions, federations, or other types of unions	CSO-TU Leader Survey	n/a			38%		64	169	38%	See question 4.1 of the CSO/TU leader survey
	# of incident reports that includes interference in attempts by associations to form networks, coalitions, federations, or other types of unions	Incident Reporting	0	0	3	7	4	14	n/a	14	
<b>2.6: Associations operate without excessive RGC supervision</b>	% of associations leaders who report excessive supervision by the RGC in the last year	CSO-TU Leader Survey	n/a			76%		71	93	76%	See question 4.5 of the CSO/TU leader survey

## Fundamental Freedoms Monitoring Project

	# of incidents of RGC supervision of associations violating international standards reported in the media	Media Monitoring	188	32	54	43	55	184	n/a	184	
<b>2.7: Individuals are not targeted due to their involvement with associations</b>	% of association leaders who report victimization due to their involvement in their association	CSO-TU Leader Survey	3%			35%		58	168	35%	See question 5.6 of the CSO/TU leader survey. Different approach to the question used in Year 2 may explain some of the difference to Year 1.
	% of individuals who report victimization due to their involvement in an association	Public Poll	n/a				14%	139	995	14%	See question 3.3 of the Public Poll
<b>2.8: Associations are protected from third party interference</b>	% of association leaders who report third party interference	CSO-TU Leader Survey	23%			25%		41	167	25%	See question 4.7 of the CSO/TU leader survey
	# of incidents of third party interference	Media Monitoring	24	6	7	5	17	35	n/a	35	
		Incident Reporting	n/a	1	1	4	2	8	n/a	8	
<b>2.9: Associations are not subject to excessive or burdensome reporting requirements</b>	% of association leaders who report being subject to excessive or burdensome reporting requirements	CSO-TU Leader Survey	n/a			60%		101	168	60%	See question 4.12 of the CSO/TU leader survey
<b>2.10: Sanctions for associations are implemented in accordance with Cambodian law</b>	% of association leaders know their rights under Cambodian law and report that the sanctions did not follow the processes prescribed in Cambodian law	CSO-TU Leader Survey	100%			100 %		13	13	100%	See question 4.18 of the CSO/TU leader survey. Small number of respondents to this question means great variance from year to year.
	# of incidents reported that include sanctions that are not implemented in accordance with Cambodian law	Media Monitoring	n/a	3	3	6	0	12	n/a	12	
		Incident Reporting	n/a	0	1	0	2	3	n/a	3	

## Fundamental Freedoms Monitoring Project

<b>2.11: Associations have recourse to safeguards if they are sanctioned</b>	% of association leaders who report having recourse to safeguards in cases of sanctions	CSO-TU Leader Survey	50%			42%		8	19	42%	<i>See question 4.19 of the CSO/TU leader survey. Small number of respondents to this question means great variance from year to year.</i>
	# of association leaders who report having recourse to safeguards in cases of sanctions	Incident Reporting	0	0	0	0	0	0	n/a	0	S
<b>2.12: Dissolution of association occurs only after legal avenues are exhausted and clear and imminent danger is present</b>	# of involuntary dissolutions of associations	Incident Reporting	0	0	0	0	0	0	n/a	0	
	# of dissolutions which occur before legal avenues are exhausted and without clear and imminent danger present	Incident Reporting	n/a	0	0	0	0	0	n/a	0	
<b>2.13: Associations are not restricted from engaging in economic activities</b>	% of association leaders reporting that associations are being restricted in engaging in economic activities	CSO-TU Leader Survey	4%			7%		12	169	7%	<i>See question 4.22 of the CSO/TU leader survey</i>
<b>2.14: Associations are not restricted in accessing funding</b>	% of association leaders reporting that associations are not restricted in accessing funding		n/a			83%		279	338	83%	<i>See questions 4.24 and 4.26 of the CSO/TU leader survey. Domestic funding = 82.25%, Foreign funding = 82.84%</i>
<b>2.15: Associations do not face complicated Government procedures to access funding</b>	% of association leaders reporting that associations do not face complicated procedures to access funding	CSO-TU Leader Survey	0%			0		0	9	0%	<i>See questions 4.25 and 4.27 of the CSO/TU leader survey</i>
<b>2.16: Associations are not subject to excessive financial reporting requirements</b>	% of association leaders reporting that associations are subject to excessive financial reporting requirements	CSO-TU Leader Survey	n/a			60%		101	168	60%	<i>See question 4.12 of the CSO/TU leader survey</i>

## Fundamental Freedoms Monitoring Project

	% of association leaders reporting that associations cannot meet financial reporting requirements	CSO-TU Leader Survey	62%			36%		59	166	36%	See question 4.10 of the CSO/TU leader survey
<b>2.17: Authorities that violate FoA and related rights are held accountable for such violations by an independent oversight body and/or courts of law</b>	# of instances reported where FoA violations are resolved by an independent oversight body and/or courts of law	CSO-TU Leader Survey	70%			18%		2	11	18%	See question 4.21 of the CSO/TU leader survey. Small number of respondents to this question means great variance from year to year.
		Incident Reporting	0	0	0	0	0	0	n/a	0	
<b>2.18: RGC institutions take actions that respect and promote marginalized groups' FoA</b>	# of instances reported in the media of FoA related issues for marginalized groups	Media Monitoring	n/a	1	0	1	0	2	n/a	2	
	# of instances reported where RGC discriminates against marginalized groups	Media Monitoring	20	2	6	1	1	10	n/a	10	
		Incident Reporting	n/a	1	2	0	1	4	n/a	4	
<b>2.19: Laws and regulations affecting FoA are accessible to the general public</b>	% of laws and regulations affecting FoA that are advertised in the Royal Gazette	Desk Review of the Royal Gazette	n/a	0	1	0	3	n/a	n/a	0	Since the start of Year 2, four laws have been amended which affecting to FOA and published on Royal Gazette (Amended Law on Political Party, Law on the Organization and Functioning of the Constitutional Council, amended Cambodia Constitutional, and amended Penal Code).
<b>Freedom of Assembly</b>											
<b>2.20: Association representatives, individually or through their organization, can exercise the freedom of peaceful assembly</b>	% of association leaders who report being able to exercise the freedom of peaceful assembly freely	CSO-TU Leader Survey	19%			10%		17	165	10%	See question 5.2 of the CSO/TU leader survey
	# of incidents reported that identify a restriction on the freedom of assembly	Incident Reporting	n/a	10	6	16	13	45	n/a	45	
	% of assemblies' subject to undue interference reported in the media	Media Monitoring	n/a	11%	6%	4%	5%	43	670	6%	

## Fundamental Freedoms Monitoring Project

<b>2.21: Groups can assemble without seeking or receiving prior authorization from the authorities</b>	# of assemblies which are restricted or prohibited in advance due to a lack of prior authorization	Media Monitoring	n/a	5	1	0	1	7	n/a	7	
		Incident Reporting	n/a	0	1	0	1	2	n/a	2	
	# of assemblies which are interfered with due to a lack of prior authorization	Media Monitoring	n/a	2	1	0	3	6	n/a	6	
		Incident Reporting	n/a	2	1	0	6	9	n/a	9	
<b>2.22: Prohibiting an assembly is a measure of last resort, where necessary and proportionate to the aim pursued</b>	% of planned assemblies reported in the media which are prohibited	Media Monitoring	n/a	1%	2%	3%	3%	17	672	3%	
	% of prohibitions reported in the media with a clear justification provided	Media Monitoring	n/a	1%	1%	1%	2%	11	672	2%	
	% of prohibitions reported in the media that were a measure of last resort, necessary and proportionate	Media Monitoring	n/a	2%	2%	3%	3%	19	672	3%	
	# of incident reports of prohibitions of planned assemblies	Incident Reporting	n/a	0	2	7	1	10	n/a	10	
	# of incident reports of prohibitions without a clear justification provided	Incident Reporting	n/a	0	2	7	0	9	n/a	9	
	# of incident reports of prohibitions that were not a measure of last resort, necessary and proportionate	Incident Reporting	n/a	0	2	7	1	10	n/a	10	
	# of assembly prohibitions which occur as a measure of last resort, where necessary and proportionate to the aim pursued	Incident Reporting	n/a	0	0	0	0	0	n/a	0	



## Fundamental Freedoms Monitoring Project

<b>2.23: Legitimate, timely and fulsome reasons for the imposition of any restrictions are provided by authorities to organizers</b>	% of demonstrations subject to the imposition of restrictions reported in the media which were provided with timely and fulsome reasons for the imposition	Media Monitoring	n/a	0	0	0	0.50 %	1	672	0.50%	
	# of demonstrations reported where traffic flow was cited as a reason for restricting an assembly	Media Monitoring	n/a	3	0	0	1	4	n/a	4	
		Incident Reporting	n/a	1	0	0	0	1	n/a	1	
	# of demonstrations reported in the media that were restricted due another demonstration already taking place or being scheduled to take place	Media Monitoring	n/a	1	0	0	0	1	n/a	1	
		Incident Reporting	n/a	0	0	0	0	0	n/a	0	
	# of incidents reports where assemblies were restricted without timely and fulsome reasons being provided in writing	Incident Reporting	n/a	2	0	2	6	10	n/a	10	
<b>2.24: Demonstrations are not restricted to locations or times where impact will be muted</b>	# of demonstrations reported where restricted to designated spaces or times that muted their impact	Media Monitoring	n/a	4	1	1	4	10	n/a	10	
		Incident Reporting	n/a	1	0	2	0	3	n/a	3	
<b>2.25: Spontaneous assemblies are exempt from prior notification</b>	% of assemblies reported in the media that were said to be spontaneous that faced restrictions or interference for lacking prior notification	Media Monitoring	n/a	0	0	0	0%	1	672	0%	
	# of incidents reports of spontaneous assemblies that face restrictions or interference for lacking	Incident Reporting	n/a	0	0	0	0	0	n/a	0	

## Fundamental Freedoms Monitoring Project

	prior notification										
<b>2.26: Assembly organizers are not penalized for failing to notify authorities</b>	# of assembly organizers who face criminal or administrative sanctions for failing to notify authorities reported	Media Monitoring	n/a	0	0	0	2	2	n/a	2	
		Incident Reporting	n/a	0	0	0	0	0	n/a	0	
<b>2.27: The police actively protect peaceful assemblies</b>	# of assemblies reported in the media where the police fail to protect peaceful assembly	Media Monitoring	n/a	6	1	4	7	18	n/a	18	
	# of incidents reports that identify third-party interference in an assembly	Incident Reporting	n/a	0	0	0	0	0	n/a	0	
<b>2.28: Assembly organizers are not financially responsible for financial charges for the provision of public services</b>	# of incident reports where assembly organizers made financially responsible for provision of public services	Incident Reporting	n/a	0	0	0	0	0	n/a	0	
<b>2.29: Assembly organizers and participants are not liable for the conduct of others</b>	# of incident reports assembly organizers who are made liable for the conduct of others	Incident Reporting	n/a	0	0	0	0	0	n/a	0	
<b>2.30: Redress for third-party interference with assemblies occurs</b>	# of assemblies reported in the media where there was third-party interference and there was redress	Media Monitoring	n/a	4	0	3	3	10	n/a	10	
	# of incident reports where there was third-party interference and there was no redress	Incident Reporting	n/a	0	0	0	0	0	n/a	0	
<b>2.31: State use of force is exercised only in exceptional circumstances, is proportionate and justified</b>	# of assemblies reported in the media where the state actors use force proportionately and justifiably	Media Monitoring	n/a	0	0	0	2	2	n/a	2	

## Fundamental Freedoms Monitoring Project

	# of assemblies reported where the state actors use force is disproportionate and/or exercised unjustifiably	Media Monitoring	n/a	2	1	0	4	7	n/a	7	
		Incident Reporting	n/a	0	0	0	0	0	n/a	0	
<b>2.32: Monitors at assemblies can operate freely</b>	# of assemblies reported where there was interference with monitors at assemblies	Media Monitoring	n/a	2	0	2	2	6	n/a	6	
		Incident Reporting	n/a	1	1	0	0	2	n/a	2	
<b>Freedom of Expression</b>											
<b>2.33: Association representatives, individually or through their organizations can exercise FoE</b>	% of association leaders who report being able to exercise FoE	CSO-TU Leader Survey	8%			9%		15	163	9%	See question 5.1 of CSO/TU leader survey
	# of incidents reported that identify a restriction on FoE	Incident Reporting	n/a	9	8	8	11	36	n/a	36	
<b>2.34: Association representatives, individually and through their organizations, can safely impart information through any media</b>	% of association leaders who report being able to safely impart information through any media	CSO-TU Leader Survey	9%			17%		95	554	17%	See question 5.4 of CSO/TU leader survey. Newspaper = 18.57%, Social Media = 17.57%, TV = 14.96%, Radio = 17.27%. Different approach to the question used in Year 2 may explain some of the difference to Year 1.
	# of incidents reported that identify a restriction on the ability to impart information through any media	Incident Reporting	n/a	2	4	1	1	8	n/a	8	
<b>2.35: The right to FoE can be exercised without undue interference or retaliation</b>	# reports of individuals or entities are accused of crime(s) because of exercising FoE	Media Monitoring	n/a	22	20	22	27	91	n/a	91	
		Incident Reporting	n/a	1	1	0	0	2	n/a	2	
	# reports of individuals are summonsed by authorities for protected speech	Media Monitoring	n/a	8	5	6	15	34	n/a	34	
		Incident Reporting	n/a	0	1	0	0	1	n/a	1	
	# reports of individuals are questioned by authorities for	Media Monitoring	n/a	6	10	11	17	44	n/a	44	

## Fundamental Freedoms Monitoring Project

	protected speech										
		Incident Reporting	n/a	0	2	1	0	3	n/a	3	
	# reports of individuals are detained for protected speech	Media Monitoring	n/a	3	13	11	10	37	n/a	37	
		Incident Reporting	n/a	1	2	0	0	3	n/a	3	
	# reports of individuals are charged with crime(s) for protected speech	Media Monitoring	n/a	3	10	9	11	33	n/a	33	
		Incident Reporting	n/a	1	1	0	0	2	n/a	2	
	# reports of individuals are arrested for protected speech	Media Monitoring	n/a	3	12	8	11	34	n/a	34	
		Incident Reporting	n/a	1	1	0	0	2	n/a	2	
	# reports of individuals are convicted of crime(s) for protected speech	Media Monitoring	n/a	1	1	5	6	13	n/a	13	
		Incident Reporting	n/a	0	0	1	0	1	n/a	1	
	# reports of individuals receiving administrative sanctions for protected speech	Media Monitoring	n/a	1	11	4	0	16	n/a	16	
		Incident Reporting	n/a	0	0	0	0	0	n/a	0	
<b>2.36: Information is not arbitrarily censored</b>	# reports of websites being blocked in Cambodia arbitrarily	Media Monitoring	n/a	0	0	0	1	1	n/a	1	
		Incident Reporting	n/a	0	0	0	0	0	n/a	0	
	# reports of media outlets shut down, sanctioned or suspended arbitrarily	Media Monitoring	n/a	0	8	0	0	8	n/a	8	
		Incident Reporting	n/a	0	0	0	0	0	n/a	0	
	# of reports of artistic works banned or restricted arbitrarily	Media Monitoring	n/a	1	2	2	0	5	n/a	5	
		Incident Reporting	n/a	0	0	0	0	0	n/a	0	
<b>2.37: Surveillance of communications complies with the laws of Cambodia</b>	# reports of surveillance activities undertaken without judicial oversight (electronic,	Media Monitoring	n/a	1	2	1	4	8	n/a	8	

## Fundamental Freedoms Monitoring Project

	other)										
		Incident Reporting	n/a	0	0	1	1	2	n/a	2	
	# reports of private communications collected by Government being published	Media Monitoring	n/a	0	2	1	2	5	n/a	5	
		Incident Reporting	n/a	0	0	0	0	0	n/a	0	
<b>2.38: Access to non-classified and non-sensitive information held by the Government is not restricted</b>	# of reports of individuals seeking to access non-classified and/or non-sensitive information held by the government who are restricted	Media Monitoring	n/a	n/a	n/a	n/a	n/a	0	n/a	0	
		Incident Reporting	n/a	n/a	n/a	n/a	n/a	0	n/a	0	
			Year 1	Year 2							
<b>Element</b>	<b>Indicator/s</b>	<b>Data Source</b>	<b>Y1 Score</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Num.</b>	<b>Denom.</b>	<b>Y2 Score</b>	<b>Notes</b>
<b>3.1: Individuals understand their rights to FoAA&amp;E</b>	% of individuals who can correctly explain or define the right of FoAA&E	Public Poll	41%				14%	430	2988	14%	Average of scores below. Different approach to the question used in Year 2 may explain some of the difference to Year 1.
	Freedom of Association		17%				12%	115	996	12%	See Questions 4.1 & 4.2 of the public poll. Different approach to the question used in Year 2 may explain some of the difference to Year 1.
	Freedom of Expression		56%				16%	164	996	16%	See Questions 4.3 & 4.4 of the public poll. Different approach to the question used in Year 2 may explain some of the difference to Year 1.
	Freedom of Assembly		49%				15%	151	996	15%	See Questions 4.5 & 4.6 of the public poll. Different approach to the question used in Year 2 may explain some of the difference to Year 1.
<b>3.2: Individuals understand the legal limitations of their rights</b>	% of individuals who can correctly identify the limitations to their rights	Public Poll	51%				60%	5360	8964	60%	See Question 4.9 to 4.17 of the public poll
<b>3.3: Individuals feel they can access redress systems for infringements to their rights</b>	% of individuals who can correctly identify mechanisms for redress	Public Poll	14%				38%	378	996	38%	See question 5.8 of public poll (the correct answer was court, ministry or national assembly, police)
	% of individuals who feel that they can access a redress mechanism if	Public Poll	n/a				4%	35	996	4%	See Questions 5.9 of the public poll

## Fundamental Freedoms Monitoring Project

	their rights are violated										
<b>3.4: Individuals have confidence in redress systems for infringements to their rights</b>	% of individuals who report believing that redress systems are an effective remedy	Public Poll	5%				2%	19	996	2%	<i>See Questions 5.10 of the public poll</i>
<b>3.5: Individuals feel free to participate in political life</b>	Extent to which people feel free to participate in political life	Public Poll	10%				8%	77	996	8%	<i>See Questions 5.7 of the public poll</i>
<b>Freedom of Association</b>											
<b>3.6: Individuals understand the laws pertaining to FoA</b>	% of individuals who can correctly explain or define their right to FoA under Cambodian law	Public Poll	55%				12%	115	996	12%	<i>See Questions 4.1 of the public poll. Different approach to the question used in Year 2 may explain some of the difference to Year 1.</i>
<b>3.7: Individuals feel free to associate (for any lawful, peaceful purpose)</b>	Extent to which people feel free to associate for any lawful purpose peacefully	Public Poll	14%				18%	175	996	18%	<i>See Questions 5.5 of the public poll</i>
<b>3.8: Individuals understand their right to collectively bargain</b>	% of individuals who can correctly explain or define the right to collective bargaining	Public Poll	6%				10%	98	996	10%	<i>See Questions 4.7 of the public poll. Different approach to the question used in Year 2 may explain some of the difference to Year 1.</i>
<b>Freedom of Assembly</b>											
<b>3.9: Individuals feel free to assemble peacefully</b>	Extent to which people feel free to peacefully assemble	Public Poll	12%				20%	196	996	20%	<i>See Questions 5.3 of the public poll. Different approach to the question used in Year 2 may explain some of the difference to Year 1.</i>
<b>3.10: Individuals feel free to strike</b>	Extent to which people feel free to strike	Public Poll	10%				5%	45	996	5%	<i>See Questions 5.6 of the public poll</i>
<b>Freedom of Expression</b>											
<b>3.11: Individuals feel free to impart information to the media</b>	Extent to which people feel free to impart information to the media	Public Poll	11%				10%	97	996	10%	<i>See Questions 5.4 of the public poll</i>
<b>3.12: Individuals feel free to express themselves</b>	Extent to which people feel free to speak openly about all subjects in public	Public Poll	13%				6%	61	996	6%	<i>See Questions 5.1 of the public poll</i>
Key Milestone 4: Civil Society Organizations and Trade Unions are recognized and can work in partnership with the RGC											

## Fundamental Freedoms Monitoring Project

			Year 1	Year 2							
Element	Indicator/s	Data Source	Y1 Score	Q1	Q2	Q3	Q4	Num.	Denom.	Y2 Score	Notes
<b>4.1: CSOs and TUs are recognized as legitimate and competent development partners</b>	% of CSO and TU leaders who report being recognized as competent development partners	CSO-TU Leader Survey	63%			48%		80	166	48%	<i>See Questions 6.2 of the CSO-TU leader survey</i>
	% of CSO and TU leaders who report being recognized as legitimate	CSO-TU Leader Survey	62%			59%		98	166	59%	<i>See Questions 6.1 of the CSO-TU leader survey</i>
<b>4.2: RGC institutions are open to partnerships with CSOs and TUs that aim to improve the work or services of the institution</b>	% of CSO and TU leaders who report partnering with RGC institutions	CSO-TU Leader Survey	69%			41%		69	169	41%	<i>See Questions 6.3 of the CSO-TU leader survey. Different approach to the question used in Year 2 may explain some of the difference to Year 1.</i>
<b>4.3: Public financing is available for capacity building of CSOs and TUs</b>	# of financing opportunities issued for CSOs and TUs in the last year reported in the media	Media Monitoring	0	0	0	0	0	0	n/a	0	<i>Media monitoring found no such opportunities during the reporting period</i>
	% of CSO and TU leaders who report being able to access financing for capacity building of CSOs and/or TUs	CSO-TU Leader Survey	n/a			25%		4	16	25%	<i>See Questions 6.11 of the CSO-TU leader survey</i>
<b>4.4: Public financing opportunities for CSOs and TUs are explicit, open and transparent</b>	# of financing opportunities issued by RGC Agencies reported in the media that are explicit, open and transparent	Media Monitoring	0	0	0	0	0	0	n/a	0	
	% of CSO and TU leaders who report that public financing opportunities for CSOs and TUs are explicit, open and transparent	CSO-TU Leader Survey	n/a			19%		3	16	19%	<i>See Questions 6.10 of the CSO-TU leader survey</i>
<b>4.5: Opportunities for participation and membership on RGC panels/boards for CSOs and TUs are explicit, open and transparent</b>	# of advertised opportunities for CSO and TU participation membership on RGC panels/boards for CSOs and TUs are explicit, open	Media Monitoring	0	0	0	0	0	0	n/a	0	

## Fundamental Freedoms Monitoring Project

	and transparent										
	% of CSO-TU leaders who report opportunities for participation and membership on RGC panels/boards are explicit, open and transparent	CSO-TU Leader Survey	6%			37%		23	63	37%	See Questions 6.7 of the CSO-TU leader survey. Different approach to the question used in Year 2 may explain some of the difference to Year 1.
4.6: CSOs and TUs are active participants in decision and law making processes	% of CSOs and TUs leaders who report being active participants in decision and law making processes	CSO-TU Leader Survey	0%			1%		1	165	1%	See Questions 6.8 of the CSO-TU leader survey
4.7: Policy structure for CSOs and TUs to work as partners with the RGC is implemented	Degree to which a legislative structure for CSOs and TUs to work as partners with the RGC is implemented	Desk Review of Structure	n/a			n/a				n/a	The data required to analyse this indicator is not available, since no comprehensive review of relevant laws and RGCs policies could be undertaken as a result of the lack of accessibility of the required materials.
4.8: Joint initiatives with CSOs and TUs are established (official collaborations for specific projects)	# of joint initiatives that are undertaken by CSOs and TUs in the last year	CSO-TU Leader Survey	n/a			59		59	n/a	59	See Question 6.4 of CSO-TU leaders survey. The way respondents answered this question in the survey makes it difficult to calculate. A large number of the respondents answered 'many' rather than giving a specific number or estimate. Which could not be quantified.



## Annex 3 – FFMP Public Poll 2018: Questions and Results

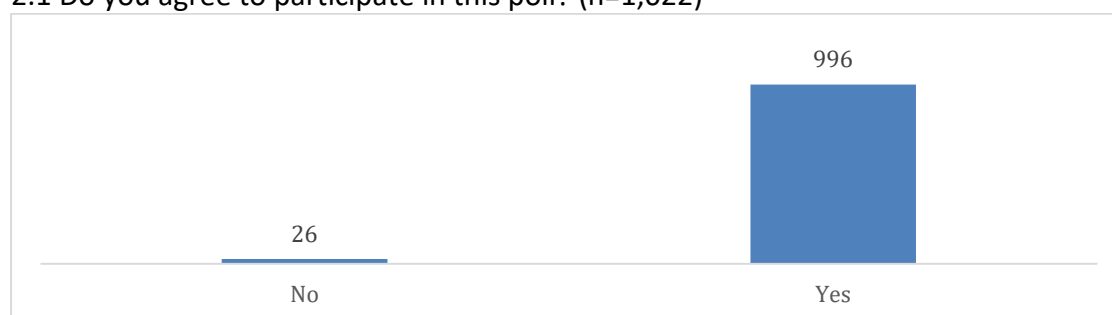
*This Annex presents the questions and results of the Public Poll, which was conducted from 13 February – 30 March 2018 across 21 provinces, and surveyed 1,023 respondents. The Monitoring Team used “convenience sampling” to collect data, whereby staff members visited locations with high pedestrian traffic, such as marketplaces and pagodas, and questioned members of the public at random.*

### Section 1: Administration Details

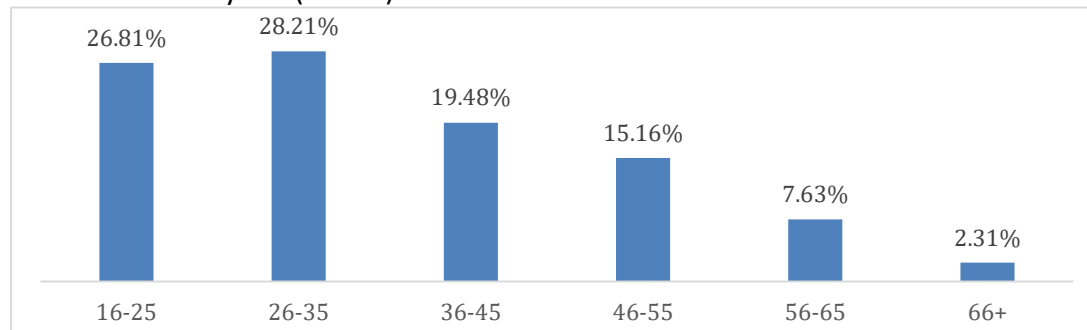
*Section 1 did not contain any results. Rather, it was used by the Monitoring Team before initiating polling to record administrative details like: date, location, interviewer, etc.*

### Section 2: Consent

#### 2.1 Do you agree to participate in this poll? (n=1,022)

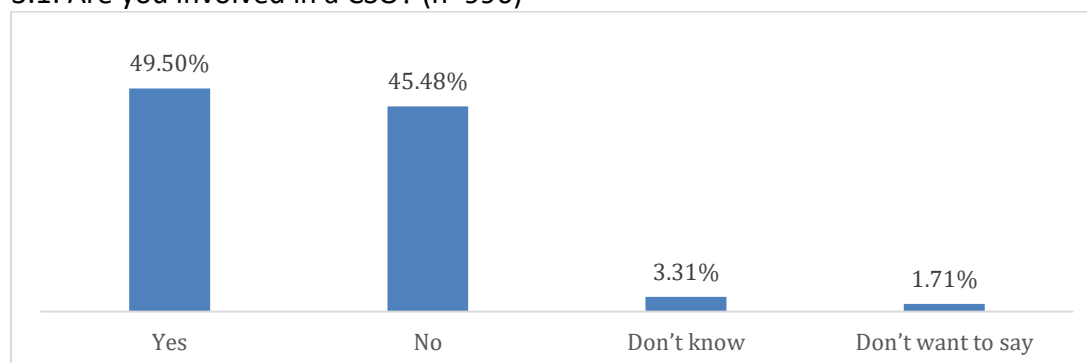


#### 2.2 How old are you? (n=996)<sup>190</sup>



### Section 3: Civil Society Organization (CSO) Membership

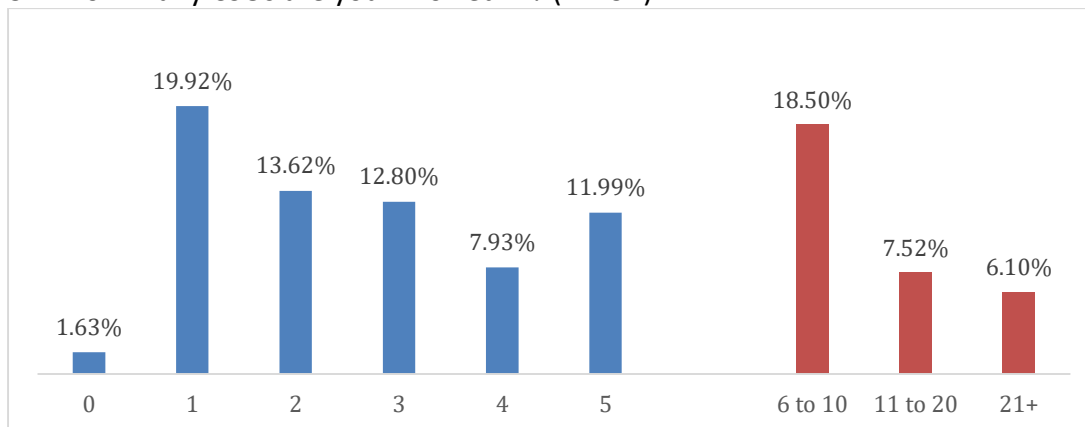
#### 3.1: Are you involved in a CSO? (n=996)



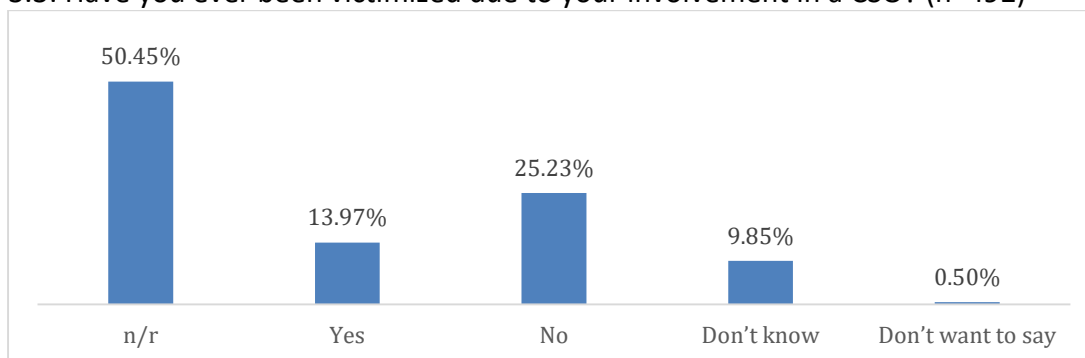
<sup>190</sup> This graph is missing the data for 4 individuals whose ages are ‘unknown’(0.4%).

## Fundamental Freedoms Monitoring Project

### 3.2: How many CSOs are you involved in? (n=492)



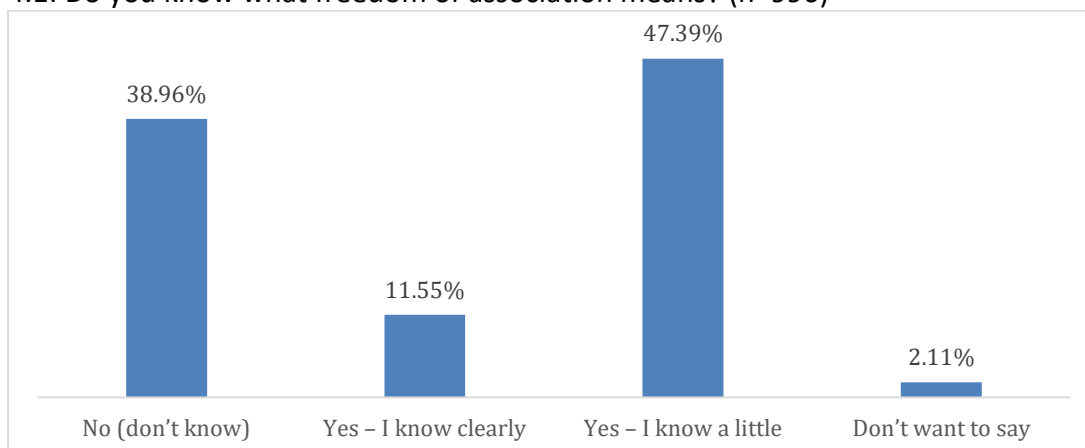
### 3.3: Have you ever been victimized due to your involvement in a CSO? (n=492)



## Section 4: Understanding Fundamental Freedoms

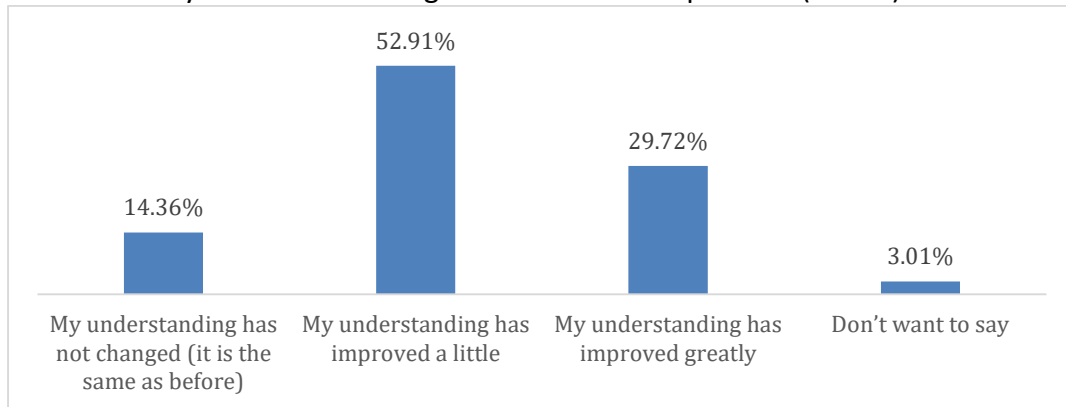
Public understanding of the fundamental freedoms was measured by asking respondents to answer two questions: “Do you know what freedom of \_\_\_ means?” and, after the interviewer provided an explanation of the fundamental freedom in question, “Now that I have explained what the freedom of \_\_\_ is, how has your understanding of this freedom improved?” Those individuals who responded to the first question, “Yes I know clearly,” and to the second, “My understanding has not changed (it is the same as before)” were deemed to have a full understanding of the fundamental freedom. Understanding of collective bargaining was determined through the same process.

### 4.1: Do you know what freedom of association means? (n=996)

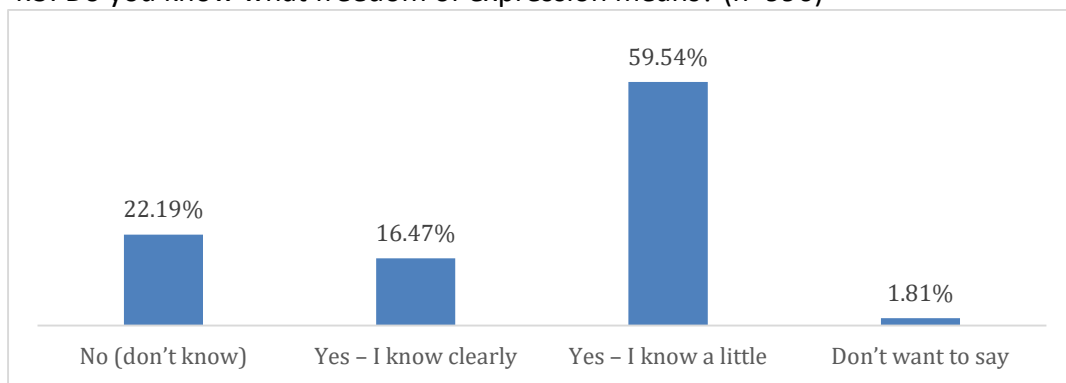


## Fundamental Freedoms Monitoring Project

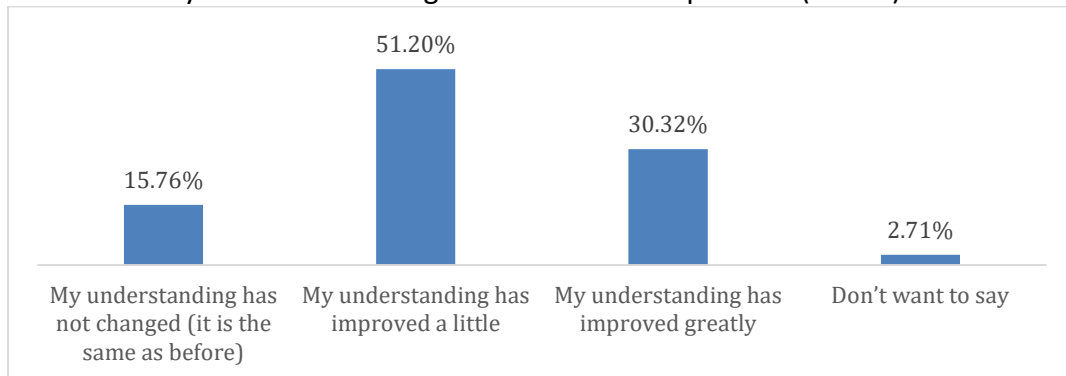
### 4.2: How has your understanding of this freedom improved? (n=996)



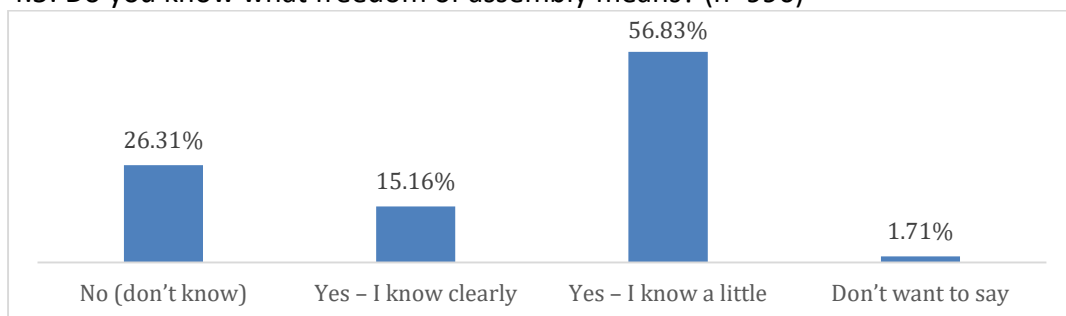
### 4.3: Do you know what freedom of expression means? (n=996)



### 4.4: How has your understanding of this freedom improved? (n=996)

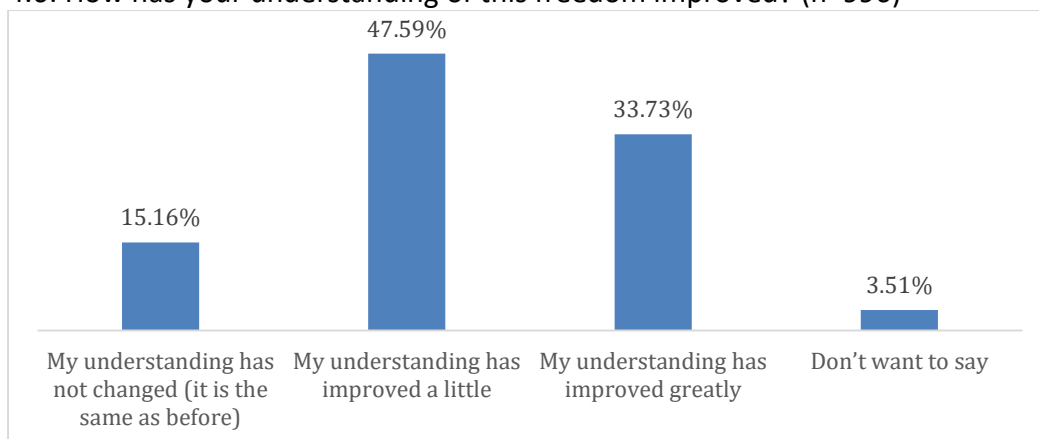


### 4.5: Do you know what freedom of assembly means? (n=996)

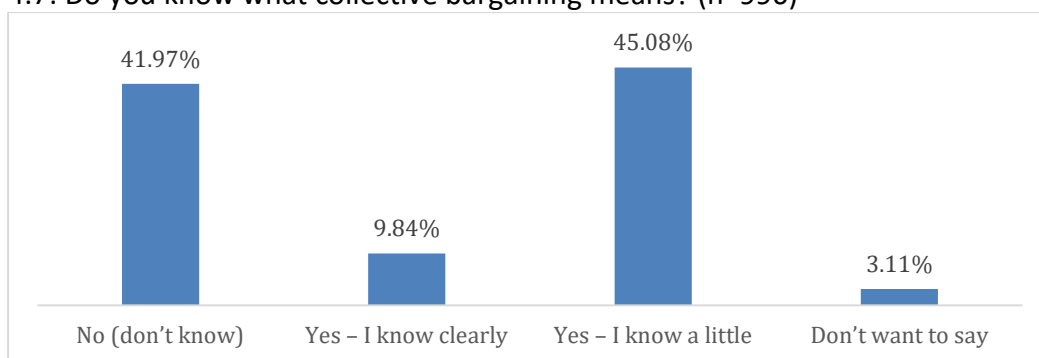


## Fundamental Freedoms Monitoring Project

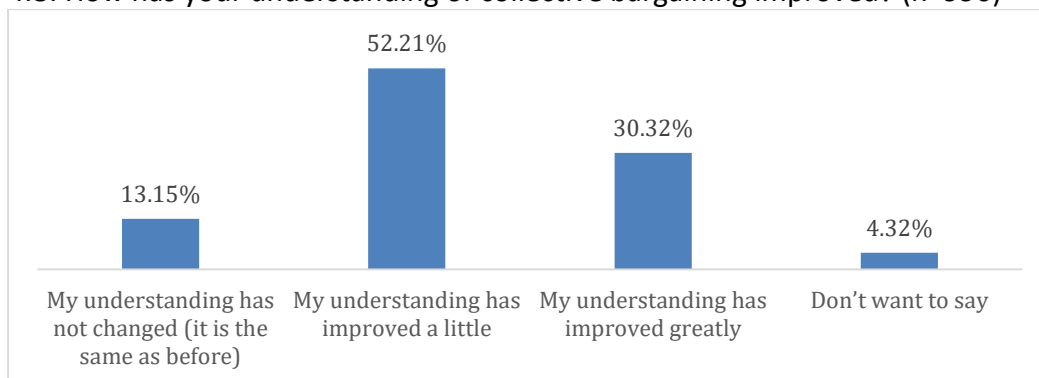
### 4.6: How has your understanding of this freedom improved? (n=996)



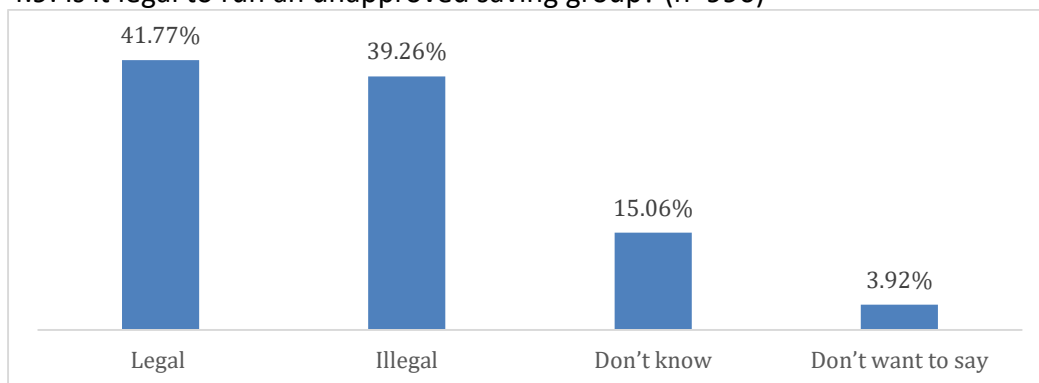
### 4.7: Do you know what collective bargaining means? (n=996)



### 4.8: How has your understanding of collective bargaining improved? (n=996)

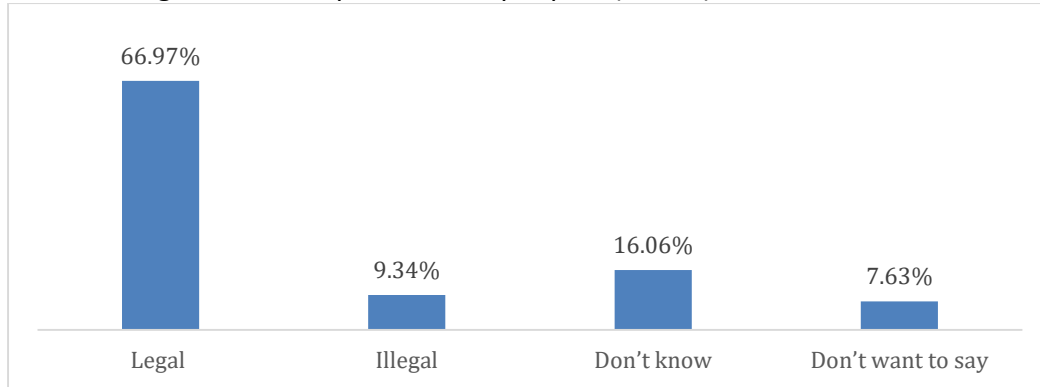


### 4.9: Is it legal to run an unapproved saving group? (n=996)

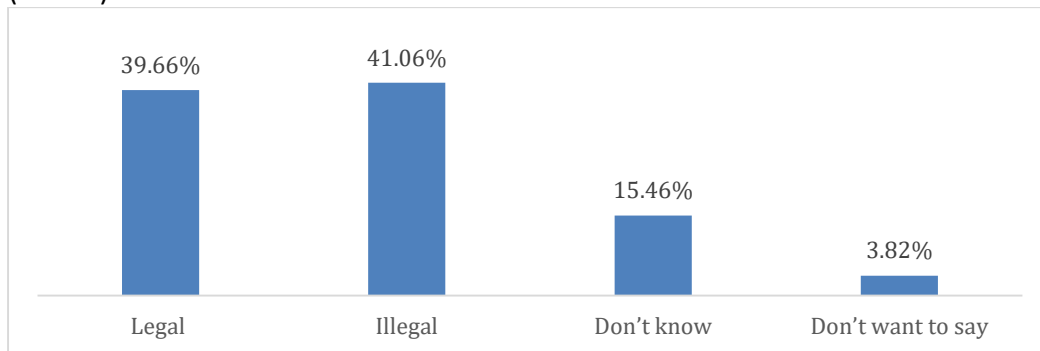


## Fundamental Freedoms Monitoring Project

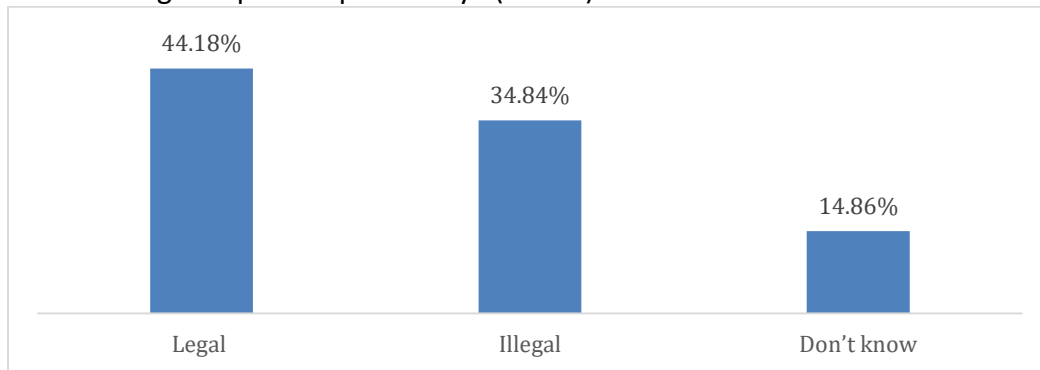
4.10: Is it legal to discuss politics with people? (n=996)



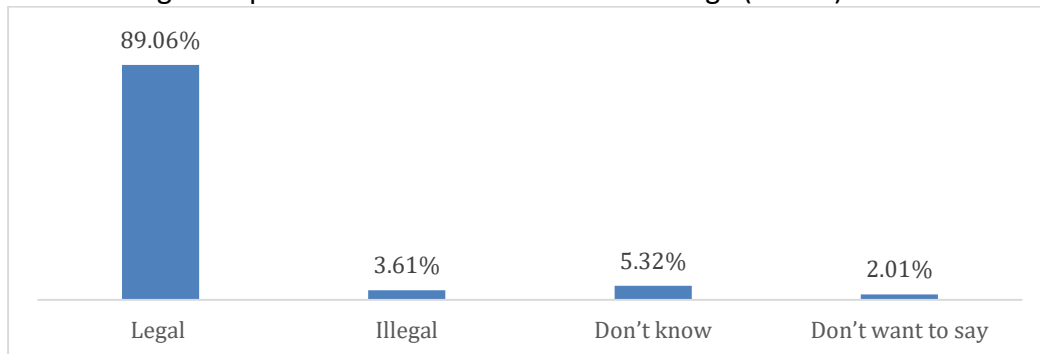
4.11: Is it legal for a CSO to carry out activities without notifying the authorities? (n=966)



4.12: Is it legal to protest peacefully? (n=996)

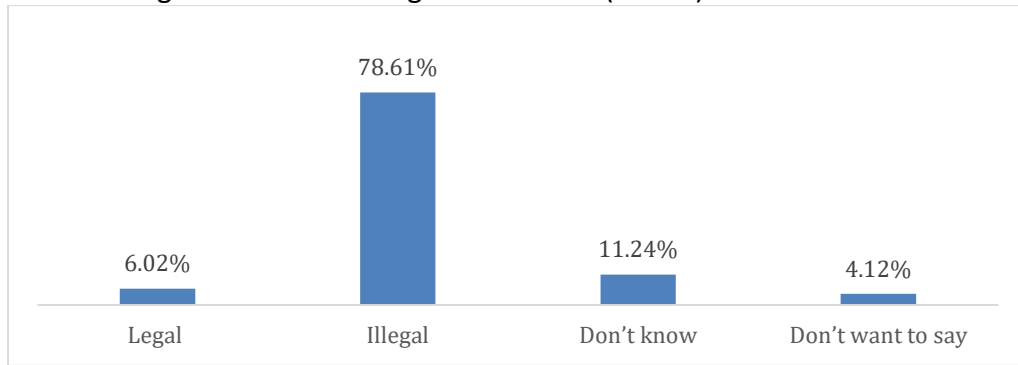


4.13: Is it legal to speak at a commune council meeting? (n=996)

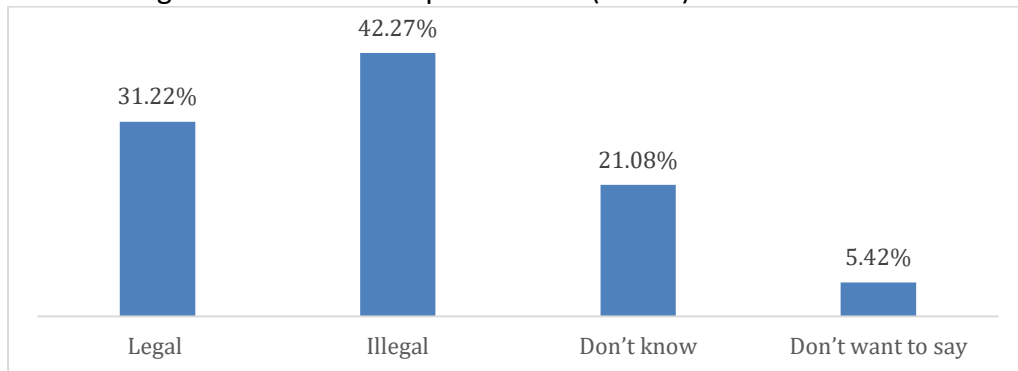


## Fundamental Freedoms Monitoring Project

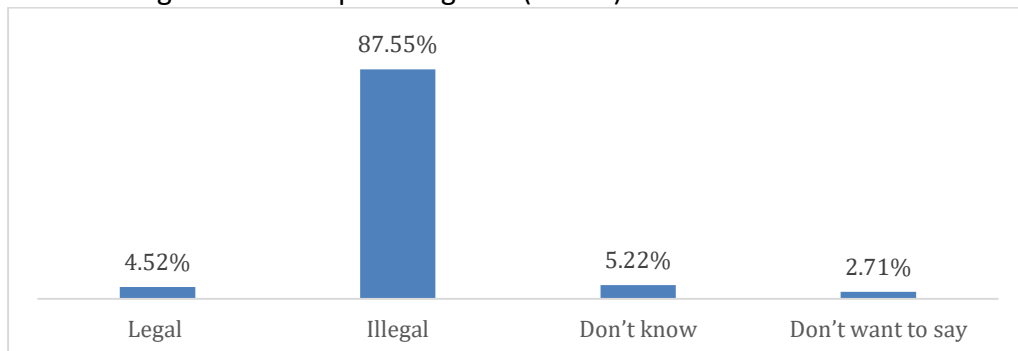
### 4.14: Is it legal to form an unregistered NGO? (n=996)



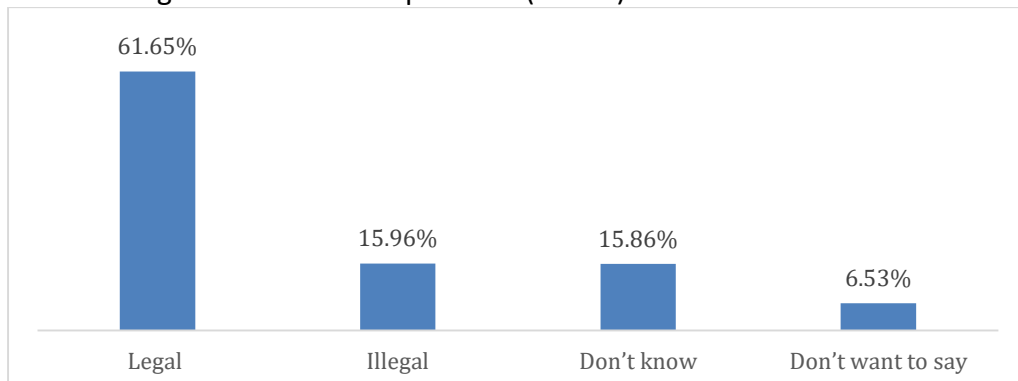
### 4.15: Is it legal to strike without permission? (n=996)



### 4.16: Is it legal to insult a public figure? (n=996)



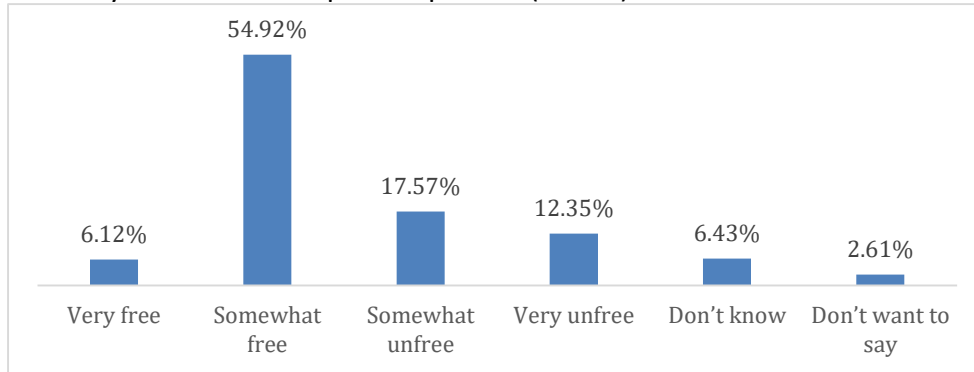
### 4.17: Is it legal to criticize RGC policies? (n=996)



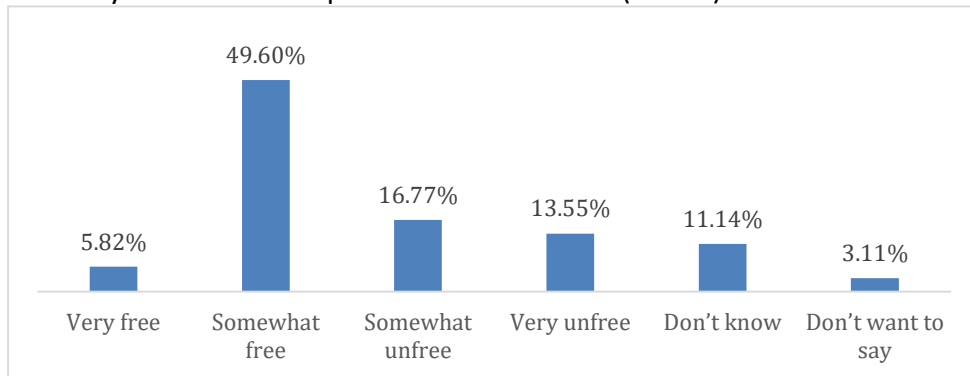
## Fundamental Freedoms Monitoring Project

### Section 5: Exercising Fundamental Freedoms

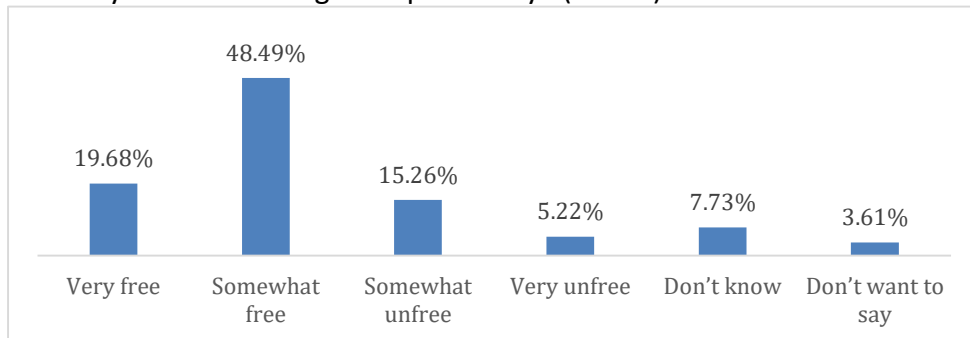
#### 5.1: Do you feel free to speak in public? (n=996)



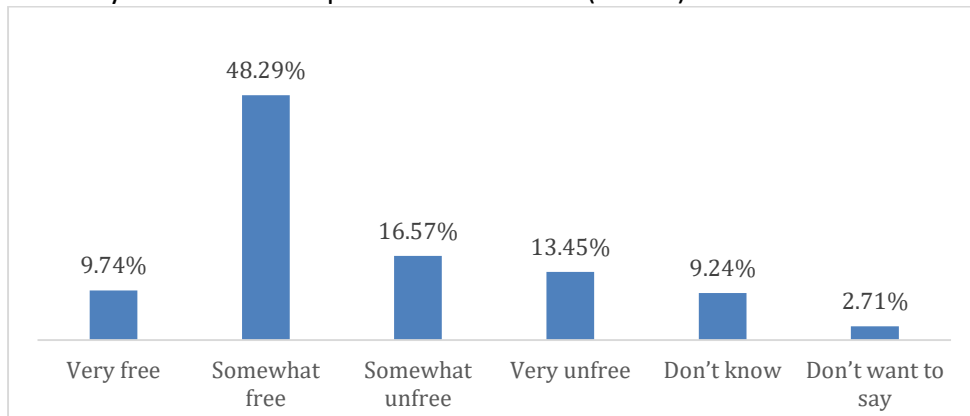
#### 5.2: Do you feel free to speak on social media? (n=996)



#### 5.3: Do you feel free to gather peacefully? (n=996)

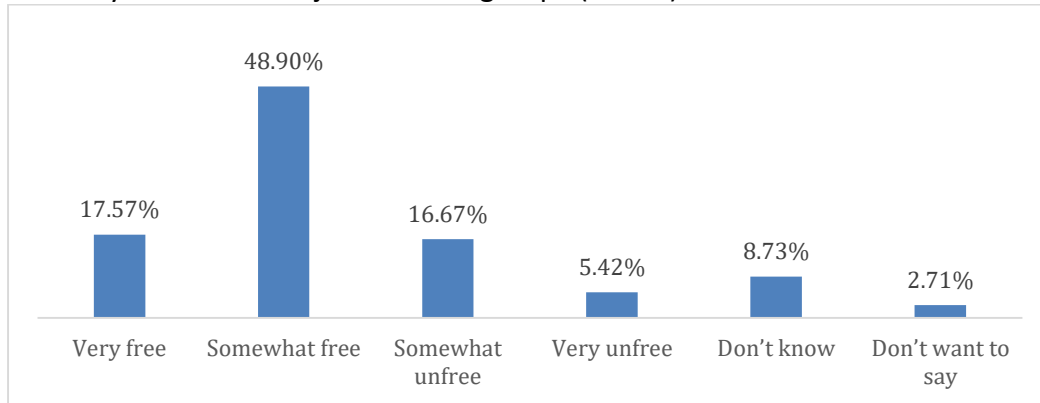


#### 5.4: Do you feel free to speak to the media? (n=996)

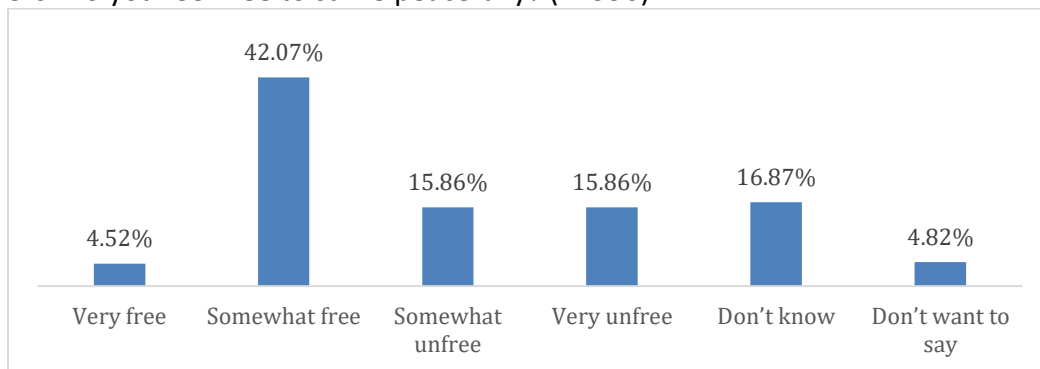


## Fundamental Freedoms Monitoring Project

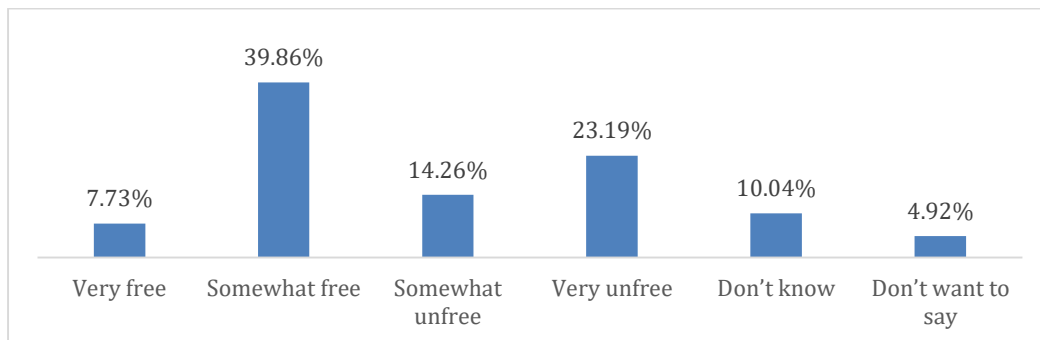
### 5.5: Do you feel free to join a lawful group? (n=996)



### 5.6: Do you feel free to strike peacefully? (n=996)



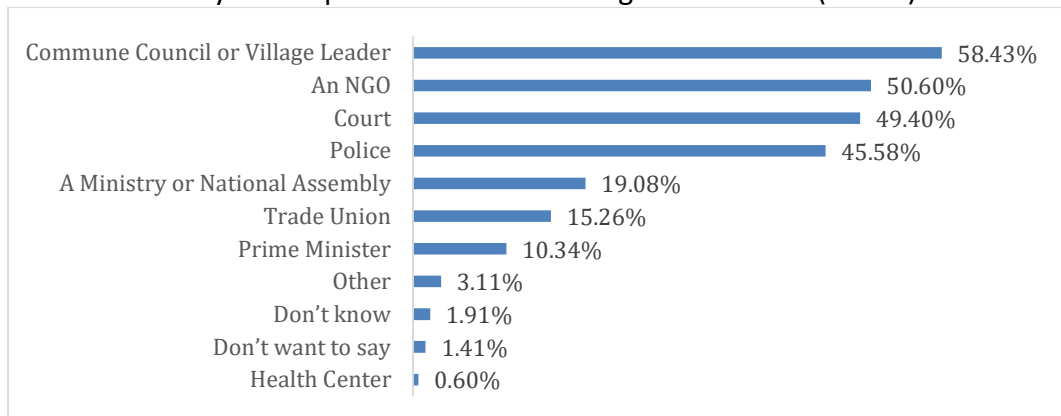
### 5.7: Do you feel free to participate in political life? (n=996)



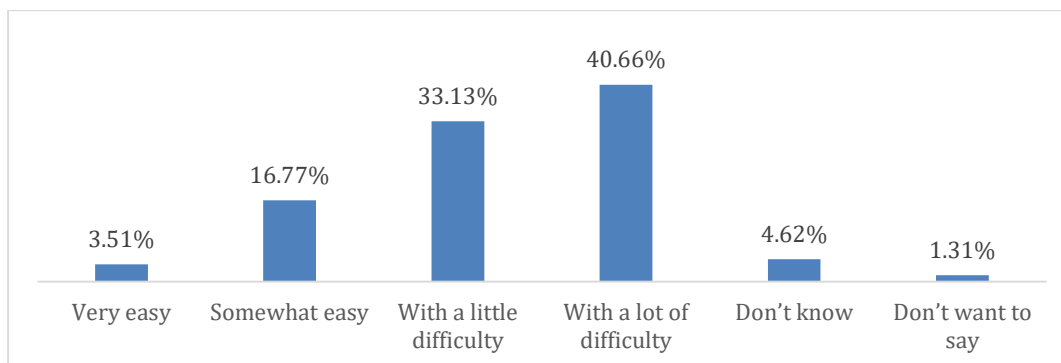


## Fundamental Freedoms Monitoring Project

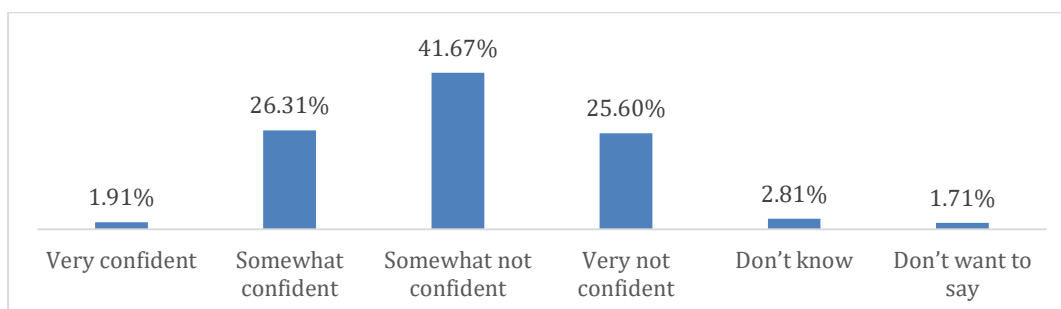
### 5.8: Where can you complain about a human rights violation? (n=996)



### 5.9: Can you complain to the government or courts about a human rights violation? (n=996)

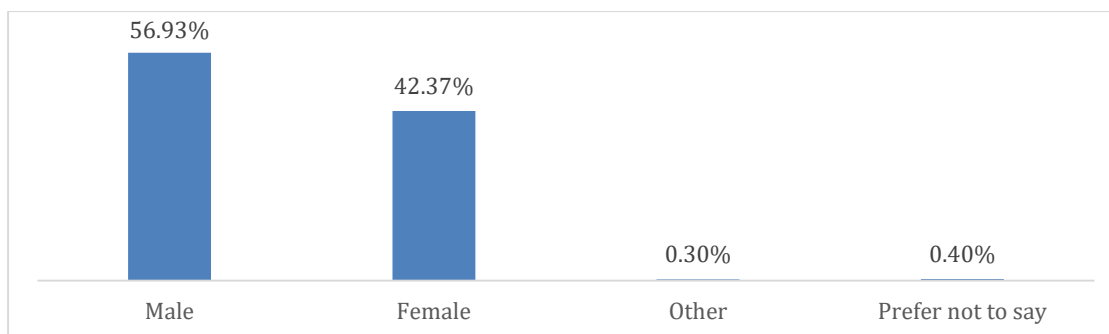


### 5.10: Are you confident that the government or courts would provide redress for a human rights violation? (n=996)

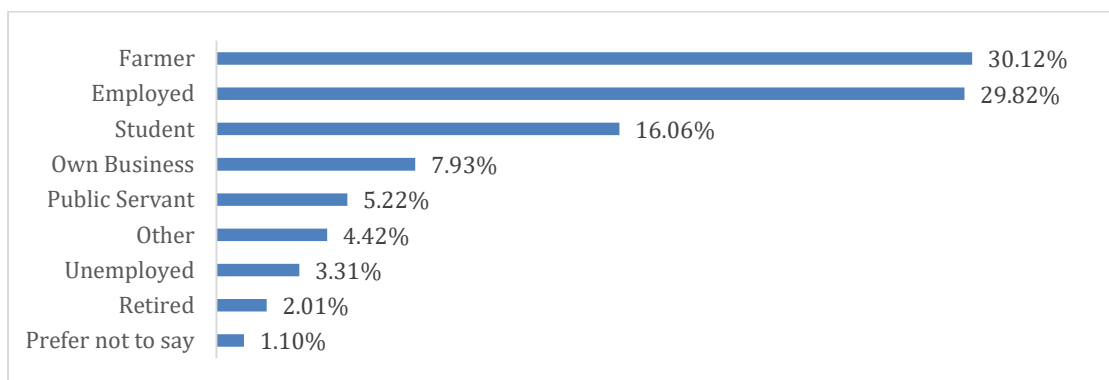


## Section 6: Demographic Information

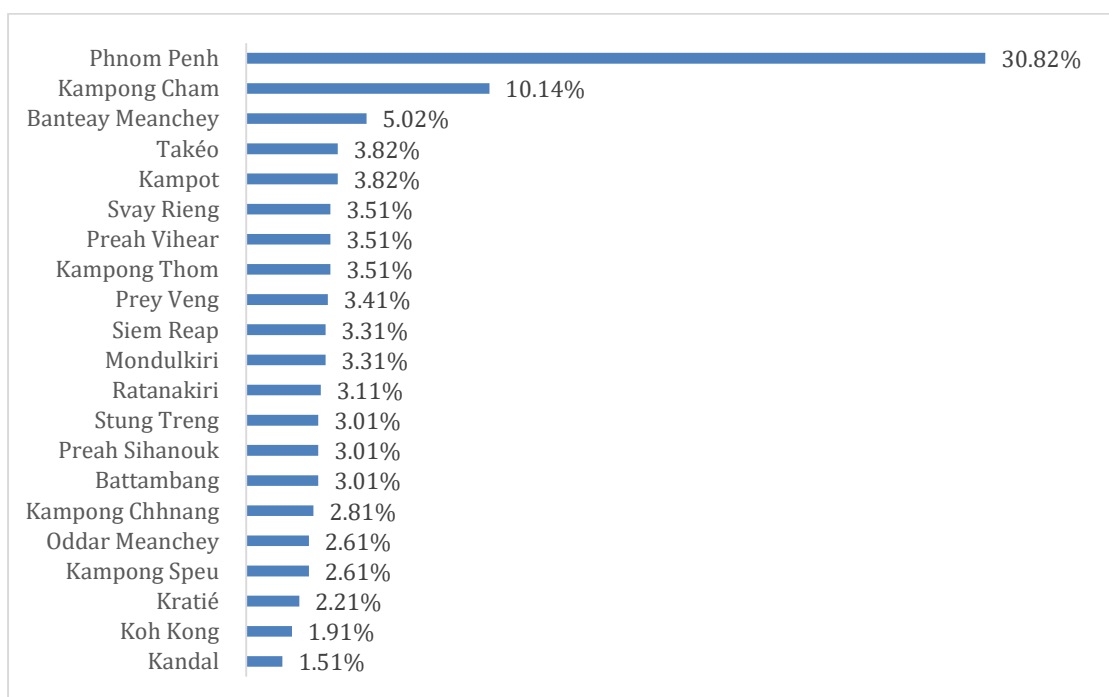
### 6.1: What is your gender identity? (n=996)



### 6.2: What is your primary occupation? (n=996)



### 6.3: What is your province of residence? (n=996)



## Annex 4 – CSO/TU Leader Survey Questions and Results

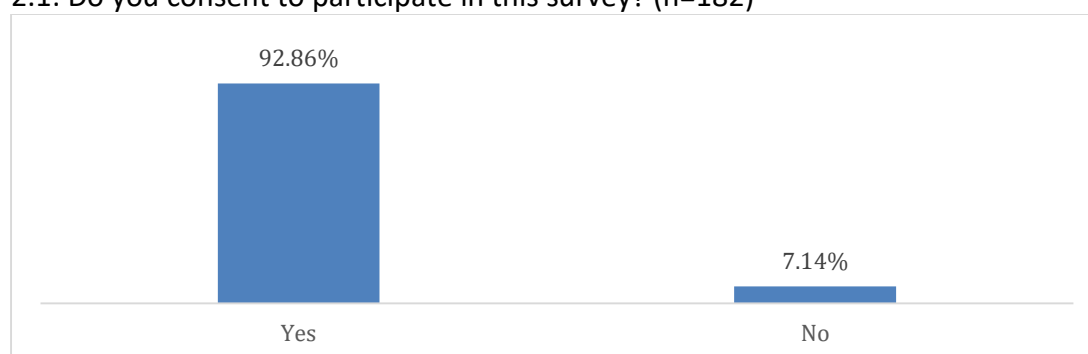
*This Annex presents the questions and results of the CSO/TU Leader Survey. The survey captured the opinions of 169 CSO and TU leaders from 156 domestic and 12<sup>191</sup> international organizations across 26 provinces. It was carried out between 15 October 2017 and 31 December 2017, via online submission and face-to-face interviews.*

### Section 1: Administration Details

*Section 1 did not contain any results. Rather, it was used by the Monitoring Team before initiating polling to record administrative details like: date, location, interviewer, etc.*

### Section 2: Consent

2.1: Do you consent to participate in this survey? (n=182)



2.2: Do you belong to a CSO or TU? (n=182)



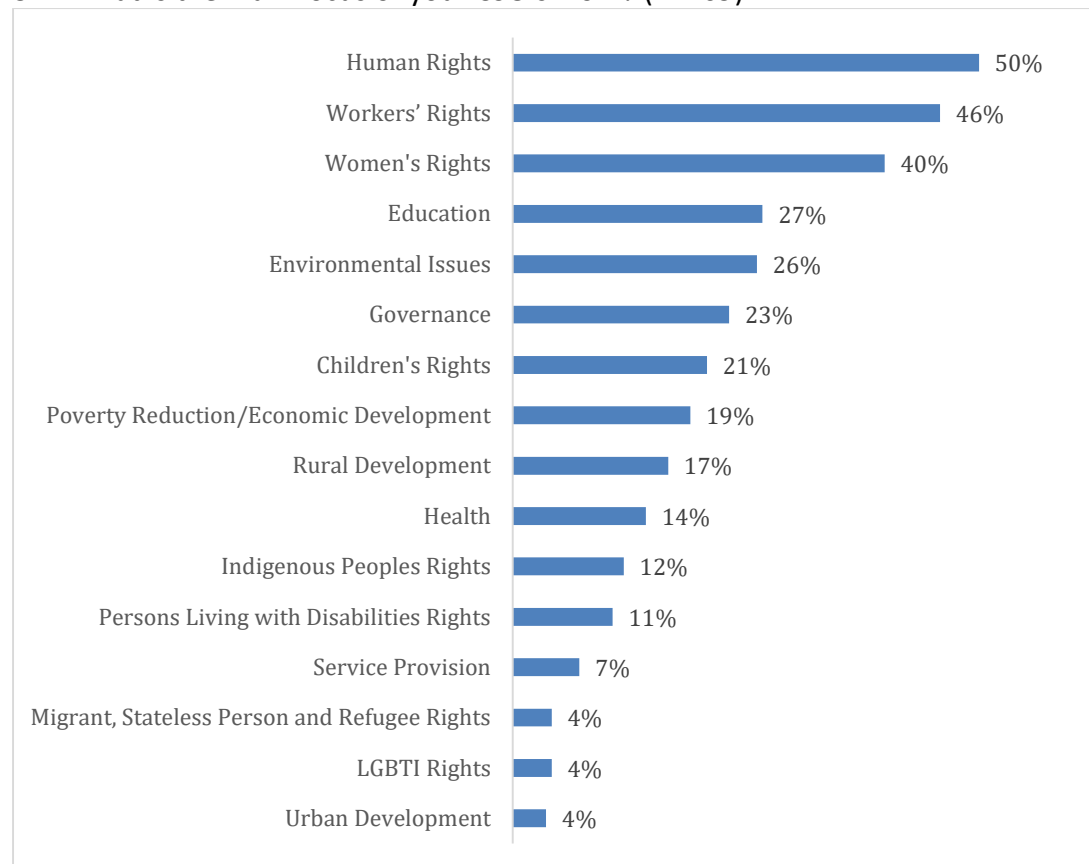
---

<sup>191</sup> Note: One respondent did not identify whether their CSO / TU was domestic or international in nature.

## Fundamental Freedoms Monitoring Project

### Section 3: CSO Profile

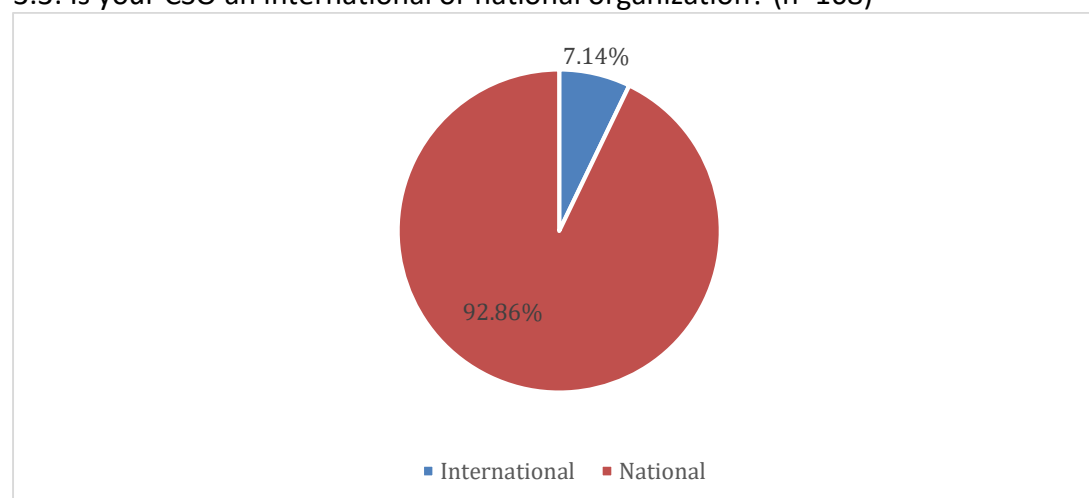
#### 3.1: What is the main focus of your CSO's work? (n=169)



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

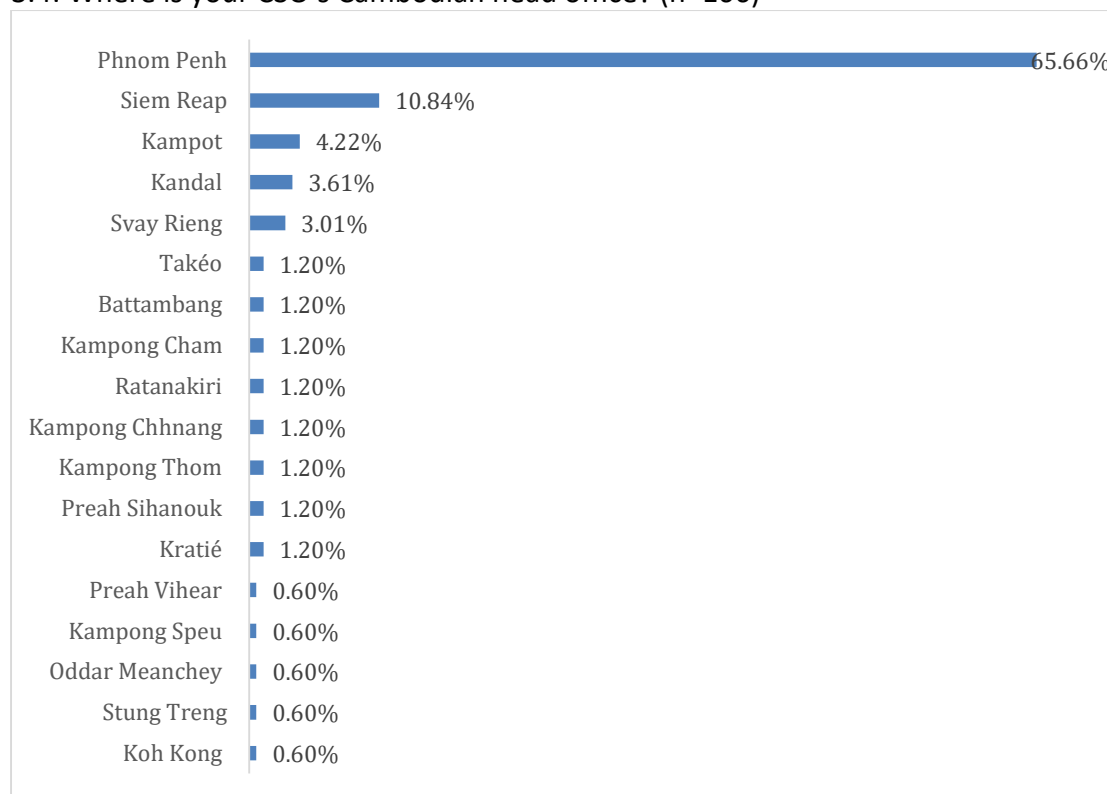
*Data for this question was captured to triangulate the data from question 3.1. Answers to this were open ended and not summarized for the purposes of reporting.*

#### 3.3: Is your CSO an international or national organization? (n=168)

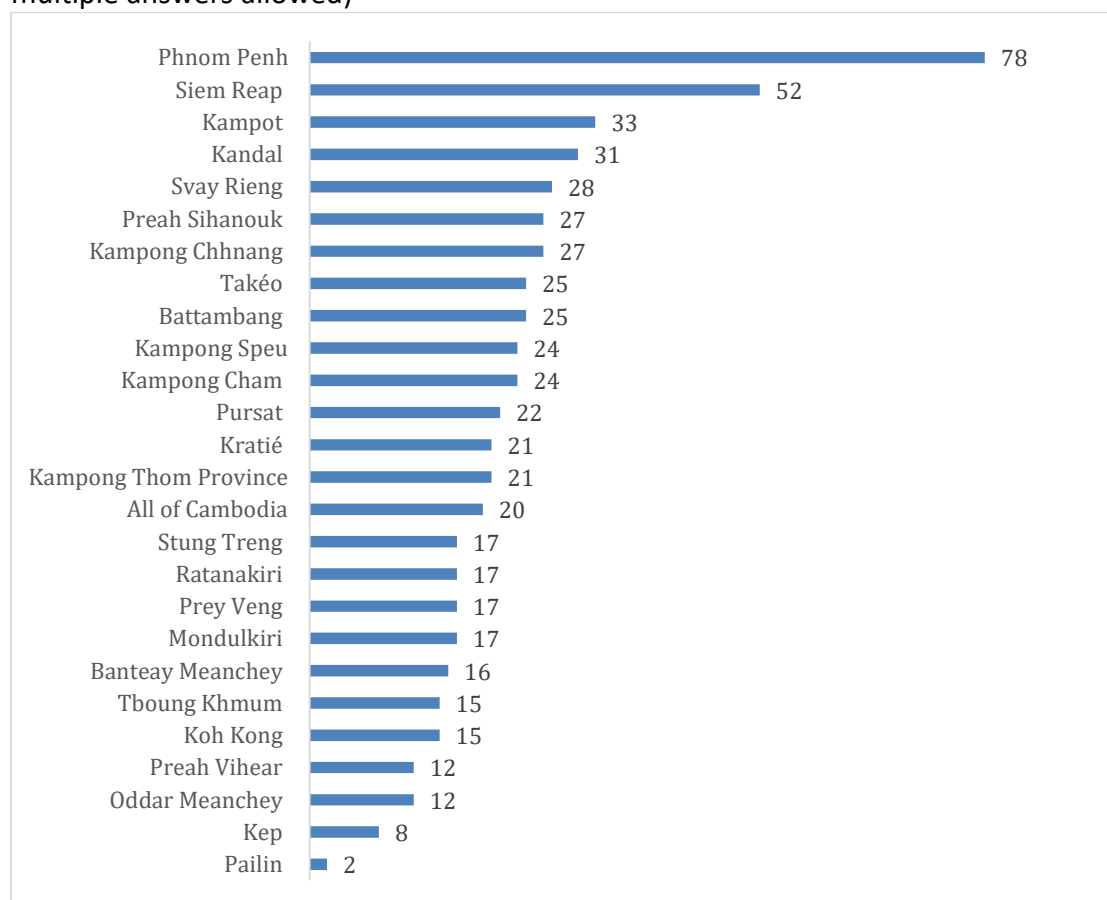


## Fundamental Freedoms Monitoring Project

### 3.4: Where is your CSO's Cambodian head office? (n=166)



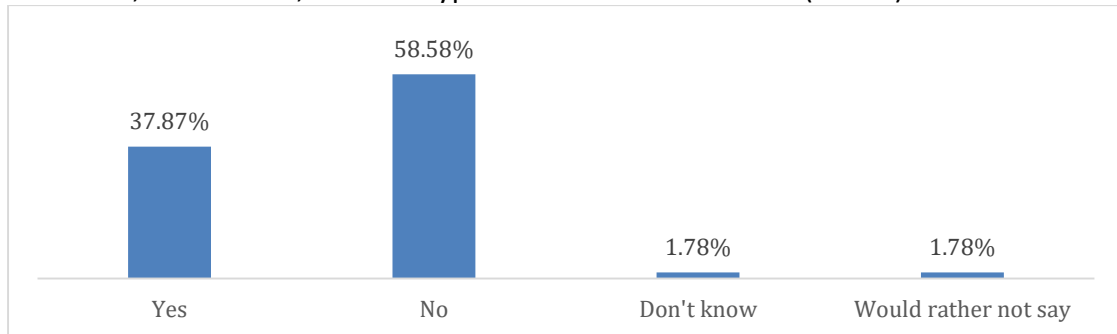
### 3.5: In which provinces of Cambodia does your CSO carry out its work? (n=606 – multiple answers allowed)



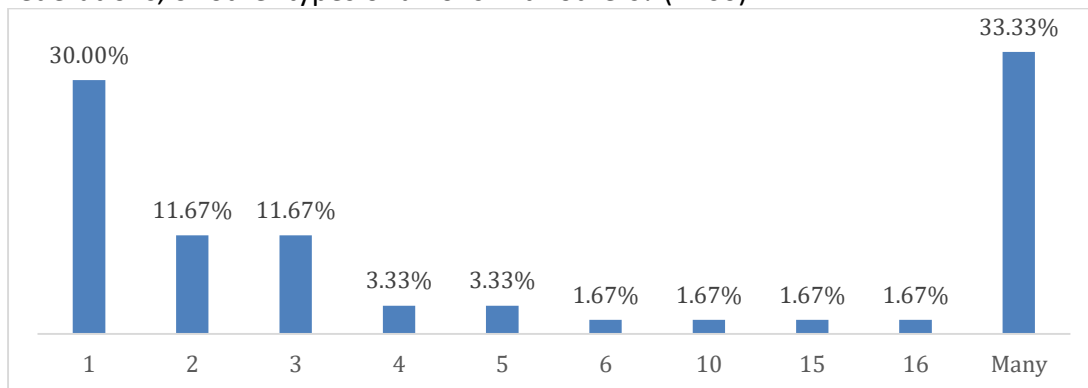
## Fundamental Freedoms Monitoring Project

### Section 4: Operations of the CSO

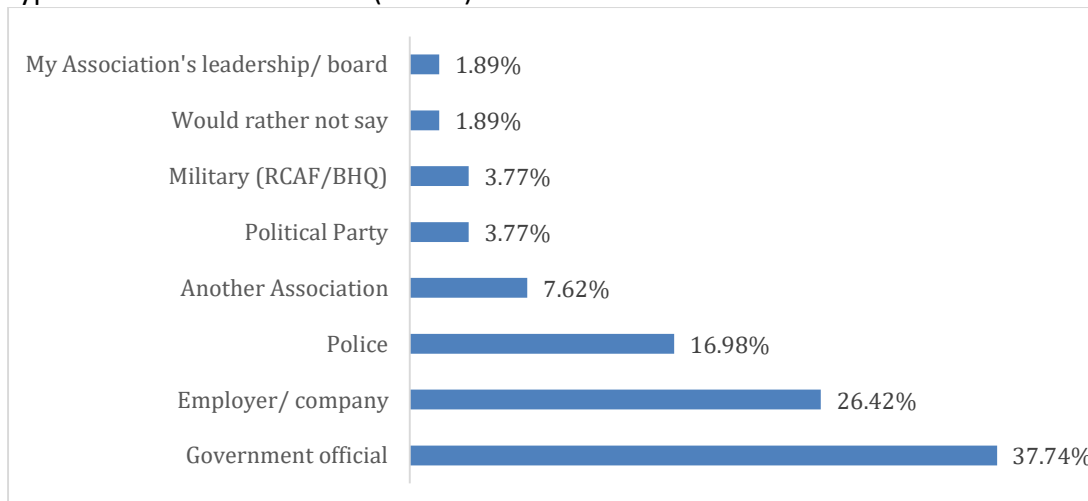
4.1: In the last year, has your CSO faced restrictions or threats in forming networks, coalitions, federations, or other types of unions with others? (n=169)



4.2: How many times has your CSO been restricted in forming networks, coalitions, federations, or other types of unions with others? (n=60)

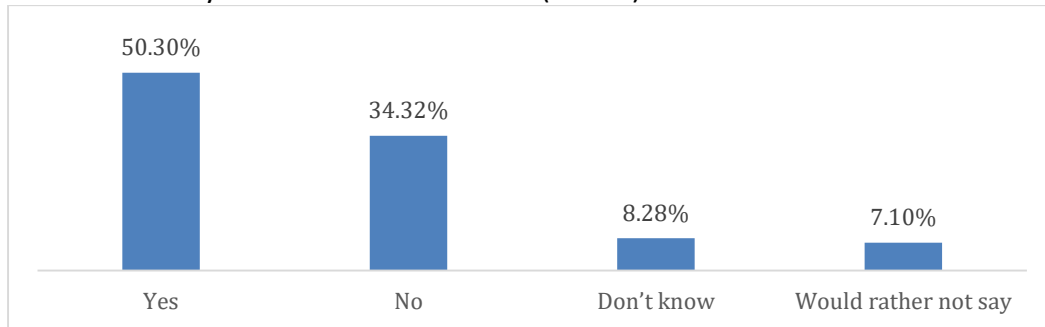


4.3: Who restricted your CSO in forming networks, coalitions, federations, or other types of unions with other? (n=106)

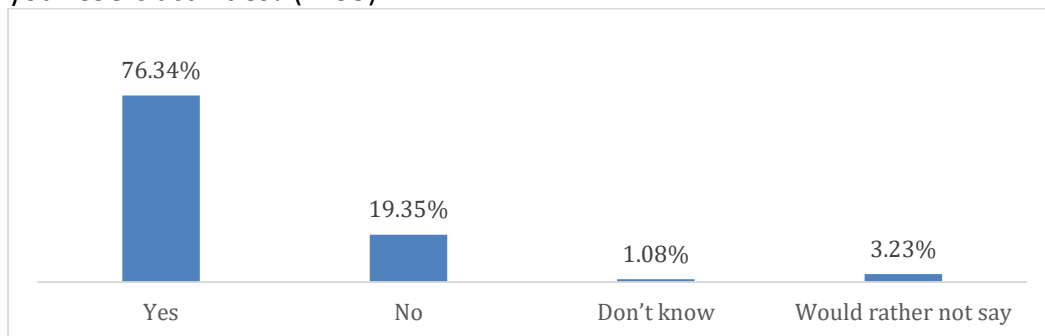


## Fundamental Freedoms Monitoring Project

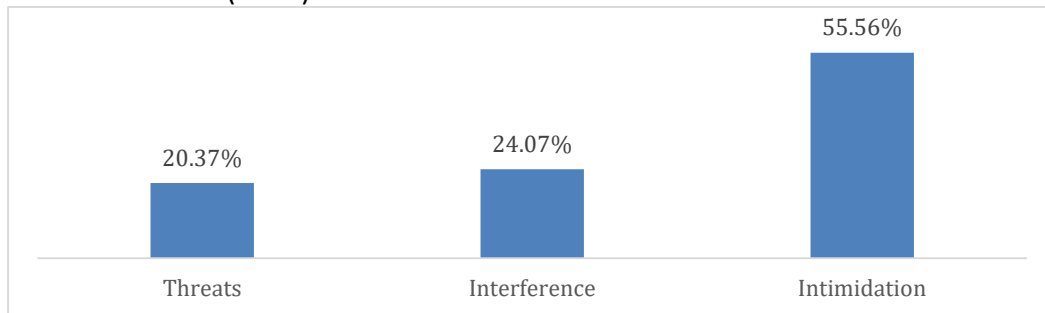
4.4: In the last year, has a Government official ever undertaken monitoring or surveillance of your CSO or its activities? (n=169)



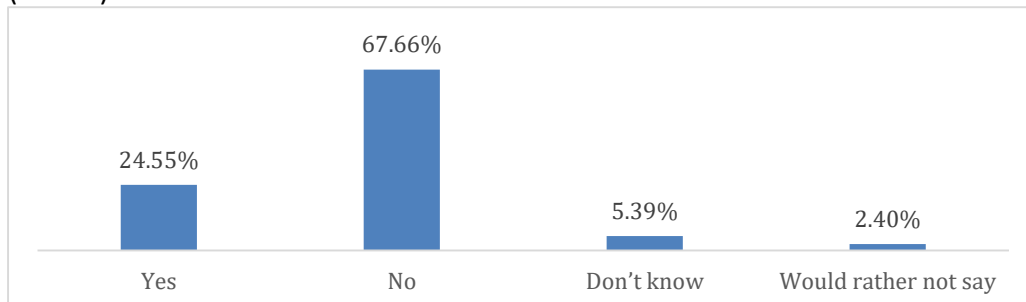
4.5: Did you ever consider this monitoring to be excessive or did it interfere with your CSO's activities? (n=93)



4.6: Why did you consider this oversight excessive or how did it interfere with your CSO's activities? (n=54)

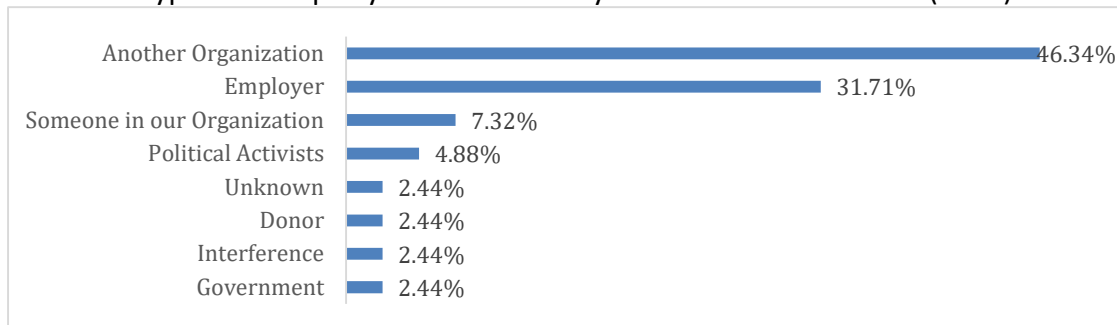


4.7: In the last year, has a third party ever interfered with your CSO or its activities? (n=167)

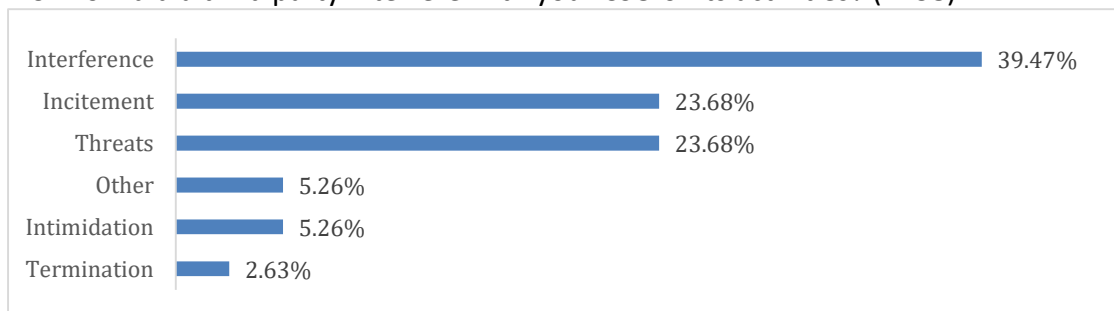


## Fundamental Freedoms Monitoring Project

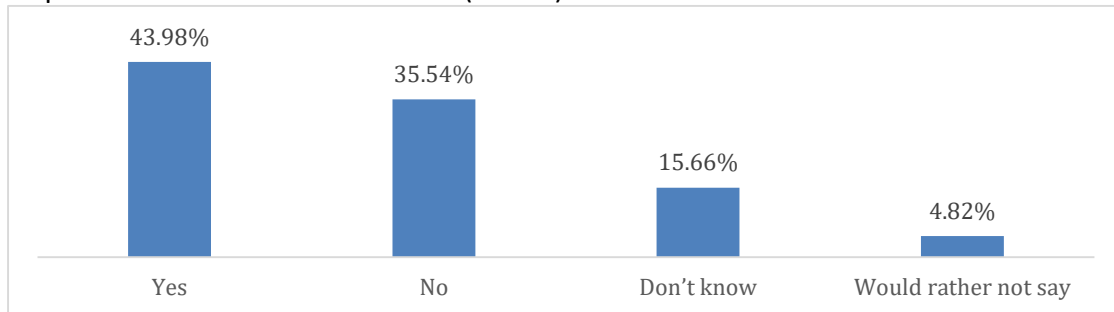
### 4.8: What type of third party interfered with your CSO or its activities? (n=41)



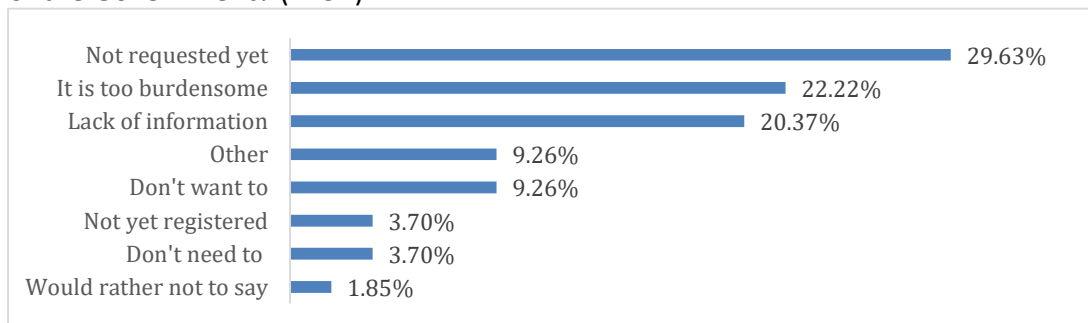
### 4.9: How did a third party interfere with your CSO or its activities? (n=38)



### 4.10: In the last year, has your CSO been able to meet non-financial reporting requirements of the Government? (n=166)



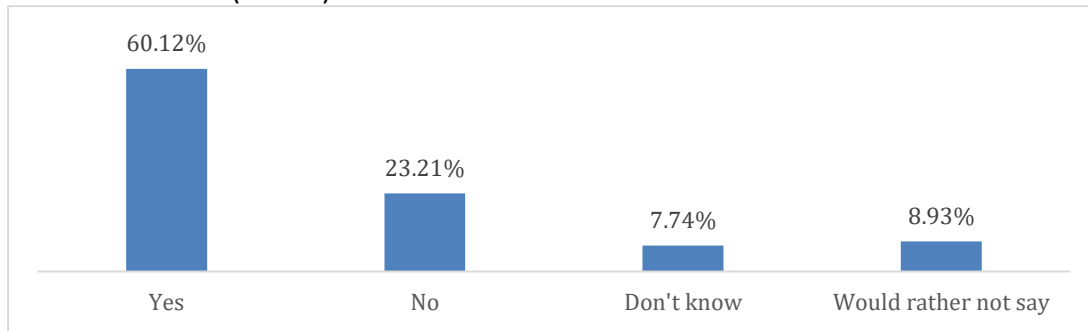
### 4.11: Why has your CSO been unable to meet non-financial reporting requirements of the Government? (n=54)



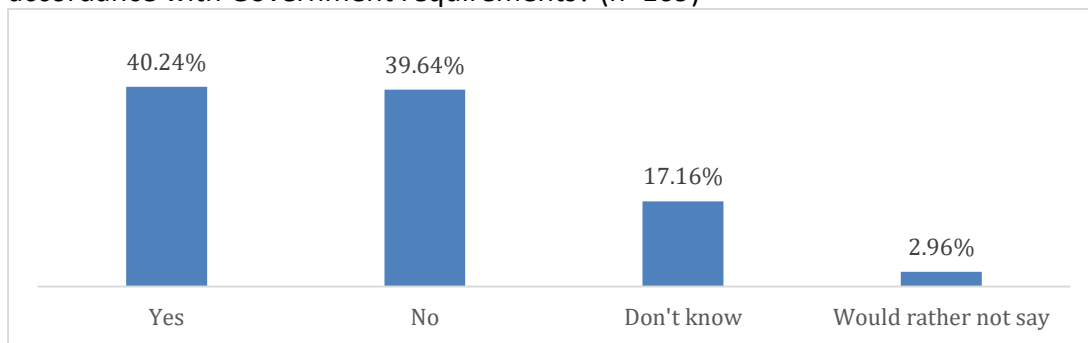


## Fundamental Freedoms Monitoring Project

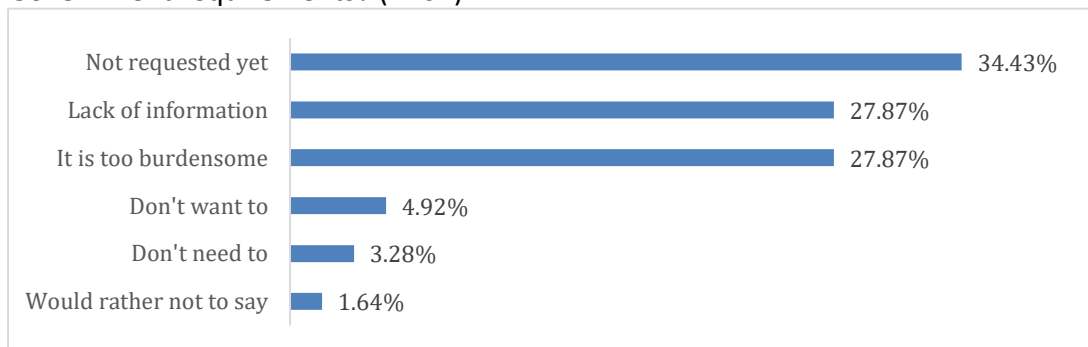
4.12: Did you find non-financial reporting requirements of the Government excessive or burdensome? (n=168)



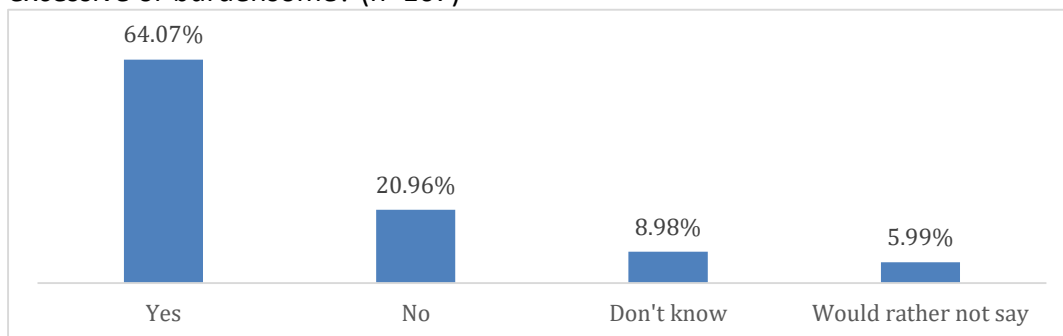
4.13: In the last year, has your CSO been able to complete financial reports in accordance with Government requirements? (n=169)



4.14: Why was your CSO unable to complete financial reports in accordance with Government requirements? (n=61)

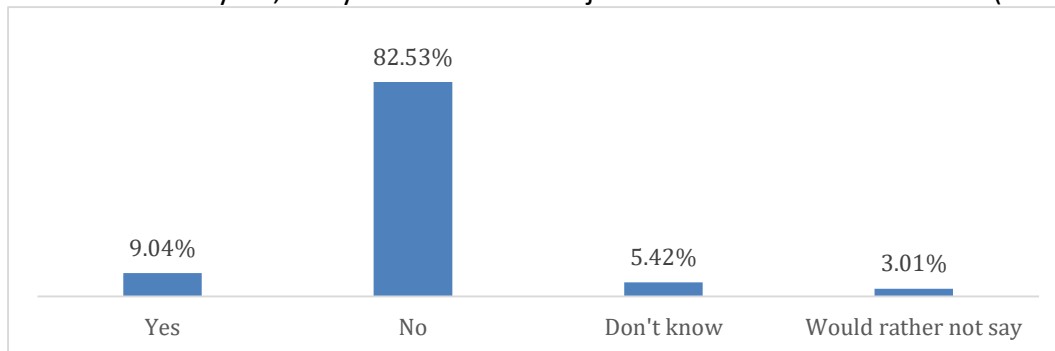


4.15: Did you feel that the financial reporting requirements of the Government were excessive or burdensome? (n=167)

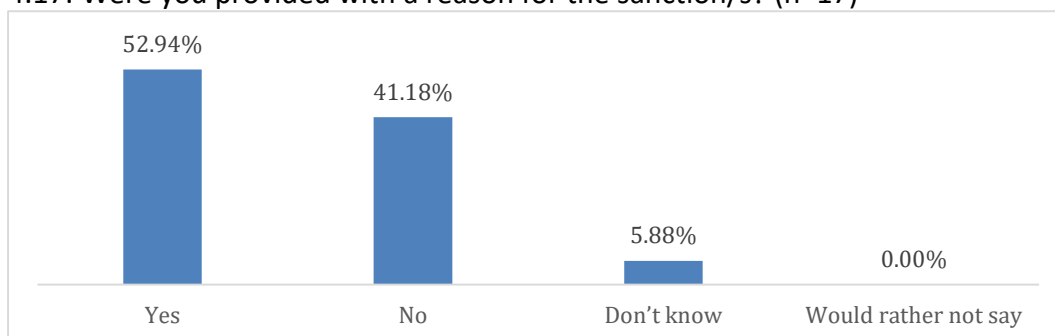


## Fundamental Freedoms Monitoring Project

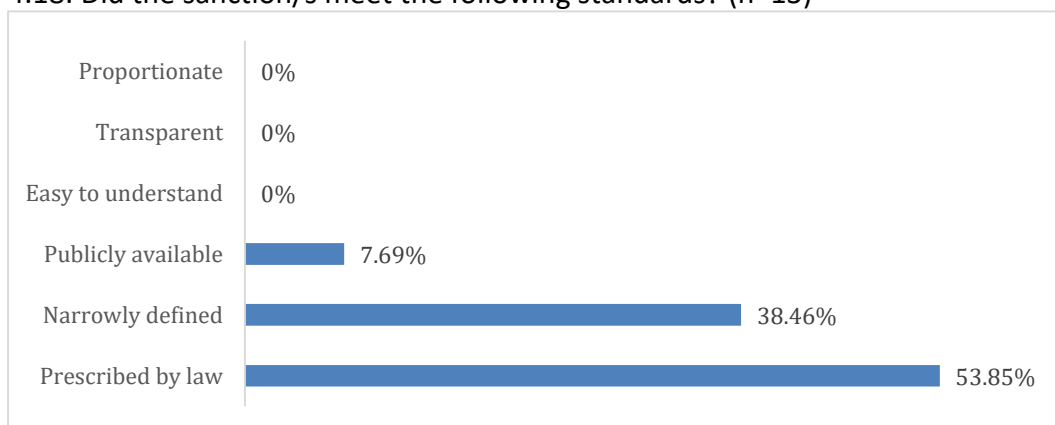
4.16: In the last year, has your CSO been subject to Government sanctions? (n=166)



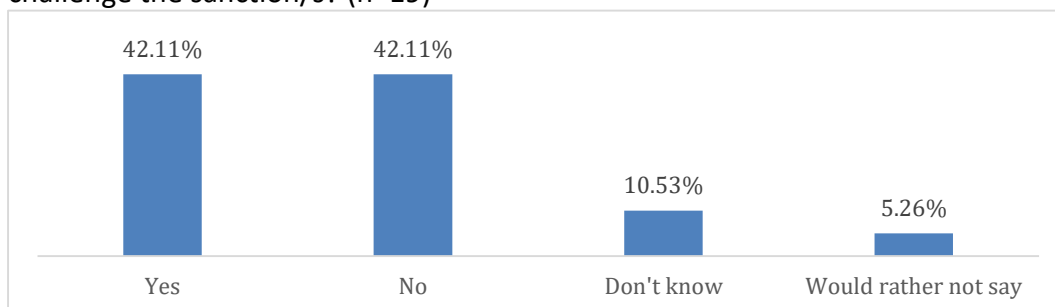
4.17: Were you provided with a reason for the sanction/s? (n=17)



4.18: Did the sanction/s meet the following standards? (n=13)

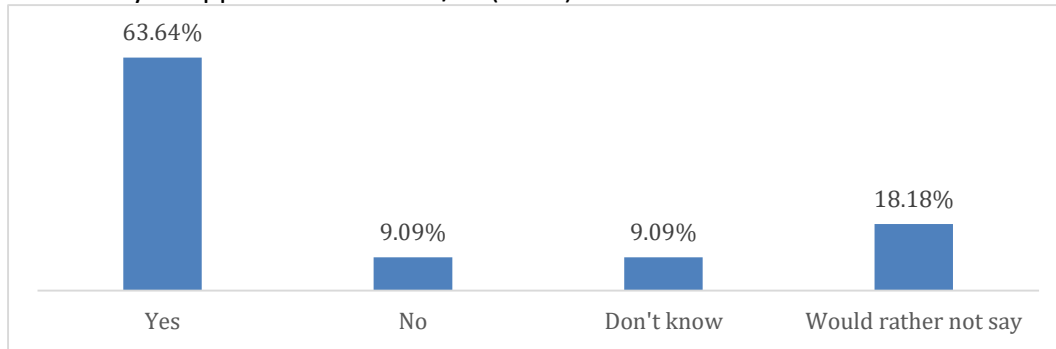


4.19: Before the sanction/s were issued, were you given the opportunity to appeal or challenge the sanction/s? (n=19)

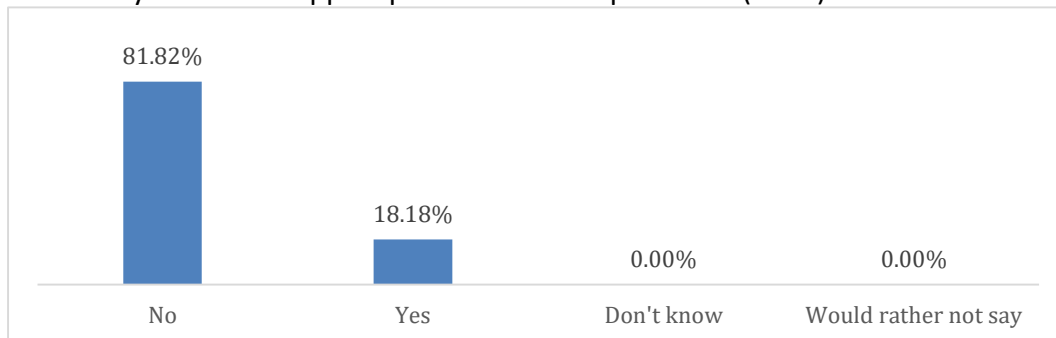


## Fundamental Freedoms Monitoring Project

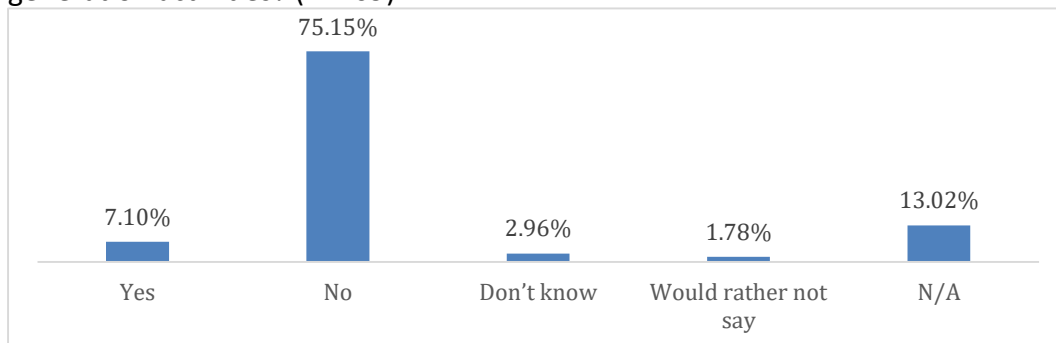
4.20: Did you appeal the sanction/s? (n=11)



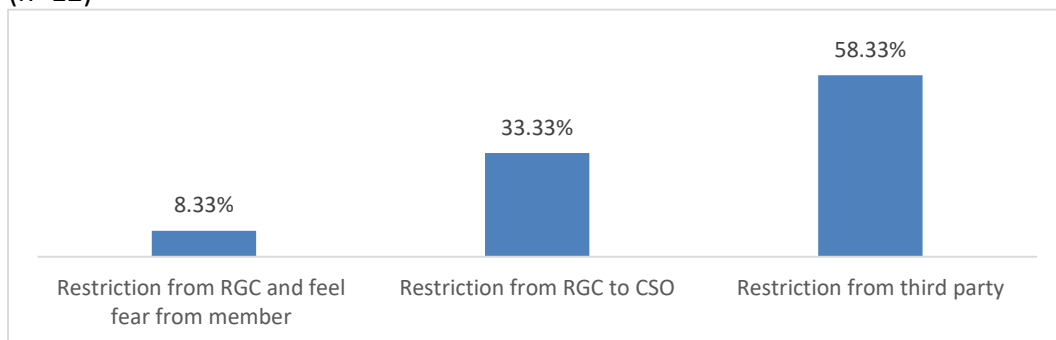
4.21: Did you feel the appeal process was independent? (n=11)



4.22: In the last year, has your CSO been denied the right to undertake income generation activities? (n=169)

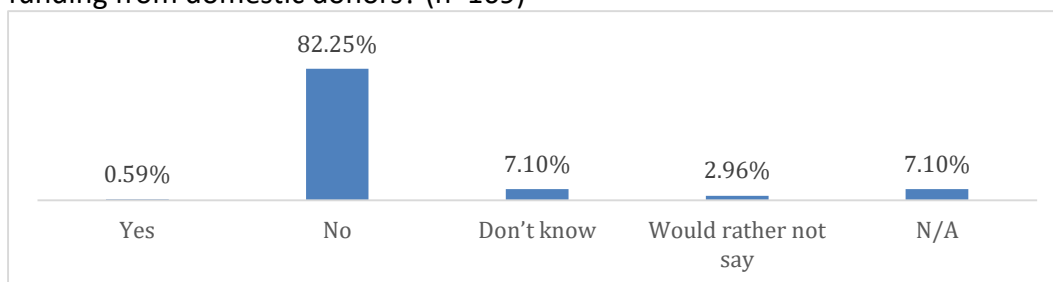


4.23: Why was your CSO denied the right to undertake income generating activities? (n=12)



## Fundamental Freedoms Monitoring Project

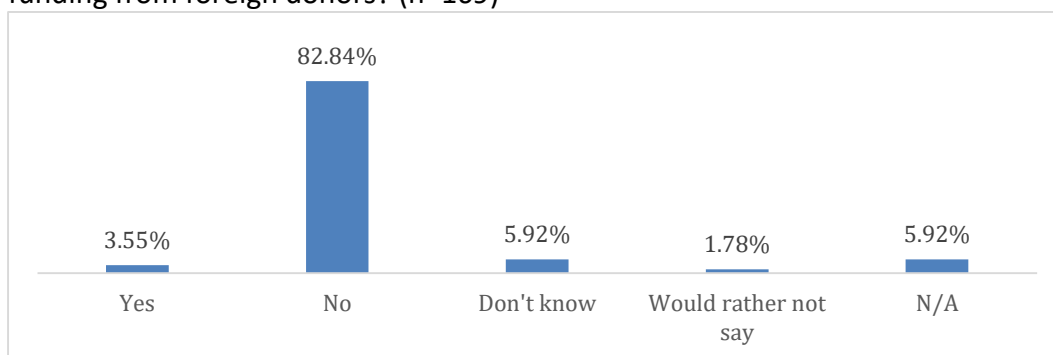
4.24: In the last year, has your CSO faced Government restrictions in receiving funding from domestic donors? (n=169)



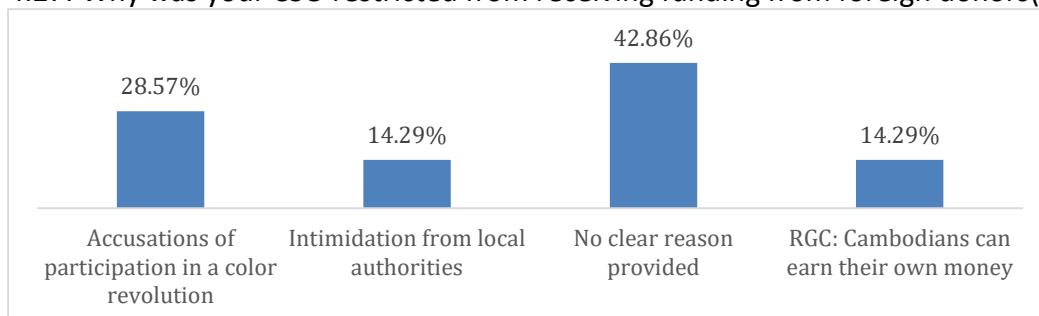
4.25: Why was your CSO restricted from receiving funding from domestic donors? (n=1)

Only one CSO leader stated that their organization faced government restrictions in receiving funding from domestic donors (see 4.24) following the authority of the provincial labour department.

4.26: In the last year, has your CSO faced Government restrictions in receiving funding from foreign donors? (n=169)



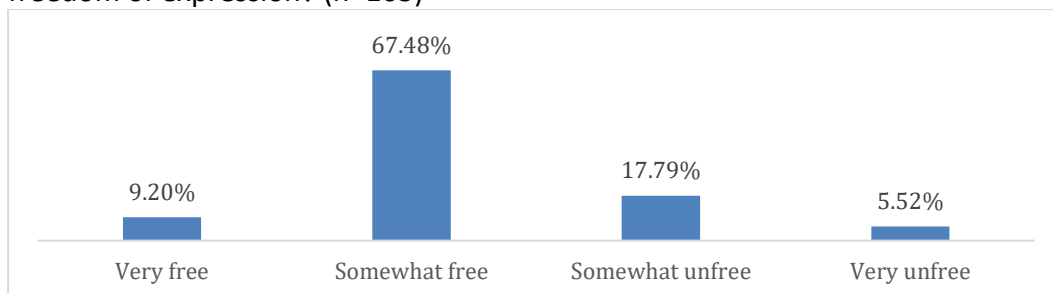
4.27: Why was your CSO restricted from receiving funding from foreign donors(n=7)



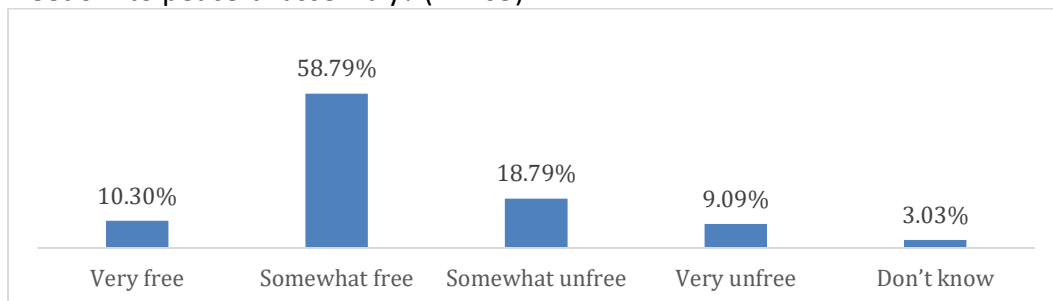
## Fundamental Freedoms Monitoring Project

### Section 5: Ability to Exercise Freedoms

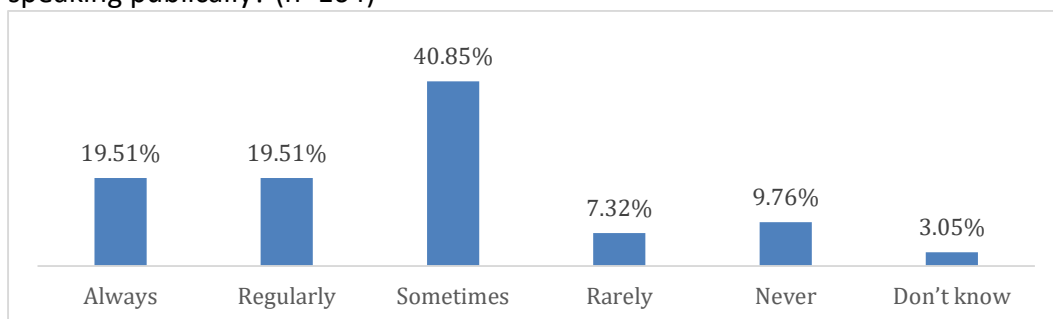
5.1 In the last year, how freely have you and your CSO been able to exercise the freedom of expression? (n=163)



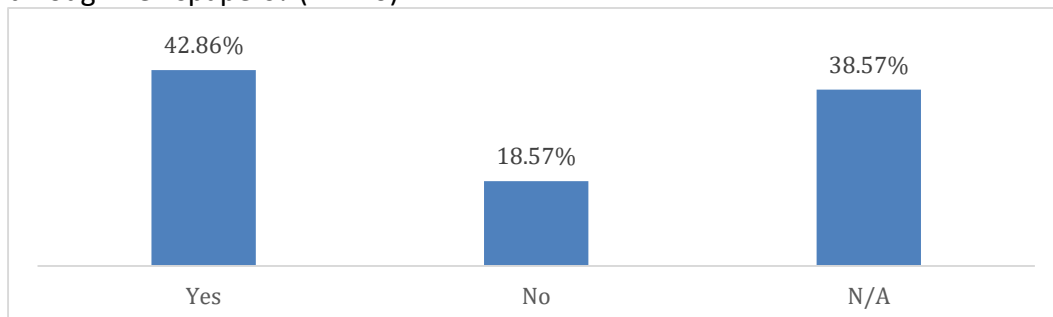
5.2 In the last year, how freely have you and your CSO been able to exercise the freedom to peaceful assembly? (n=165)



5.3 In the last year, how often have you felt it necessary to censor yourself when speaking publically? (n=164)

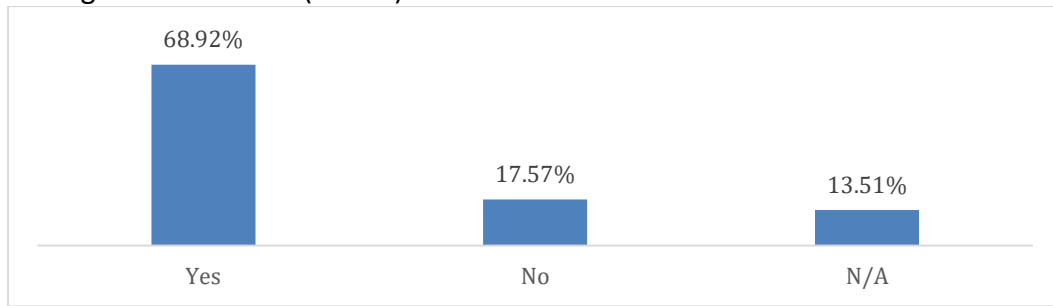


5.4: In the last year, have you or your CSO ever felt unsafe to share information through newspapers? (n=140)

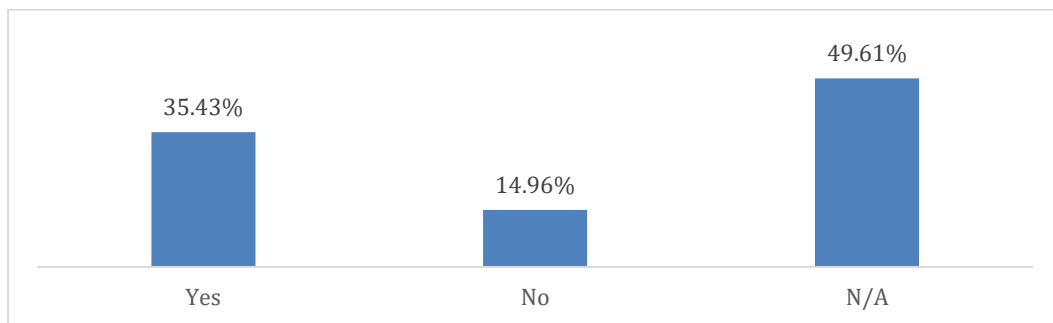


## Fundamental Freedoms Monitoring Project

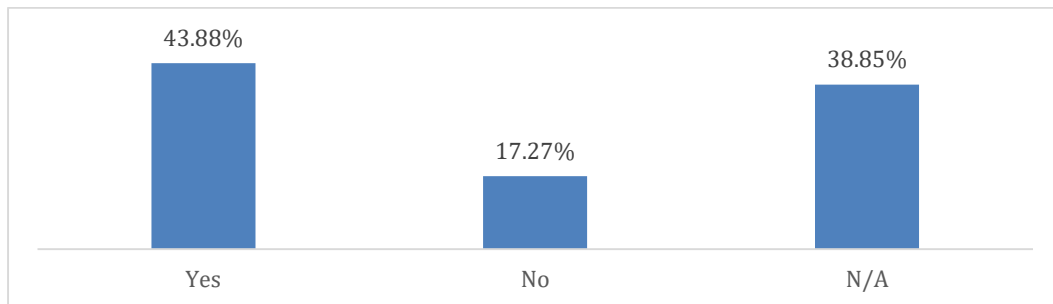
5.5: In the last year, have you or your CSO ever felt unsafe to share information through social media? (n=148)



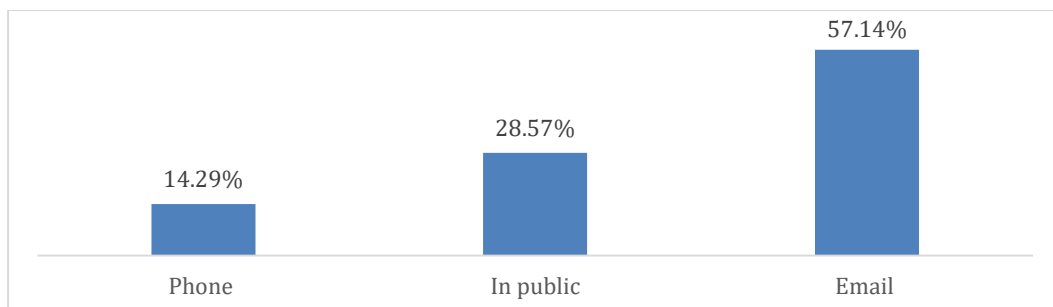
5.6: In the last year, have you or your CSO ever felt unsafe to share information through television? (n=127)



5.7: In the last year, have you or your CSO ever felt unsafe to share information through radio? (n=139)

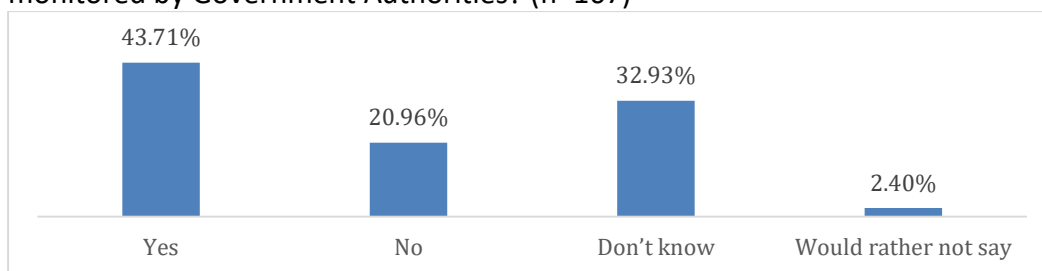


5.8: In the last year, have you or your CSO ever felt unsafe to share information through other channels? (n=7)

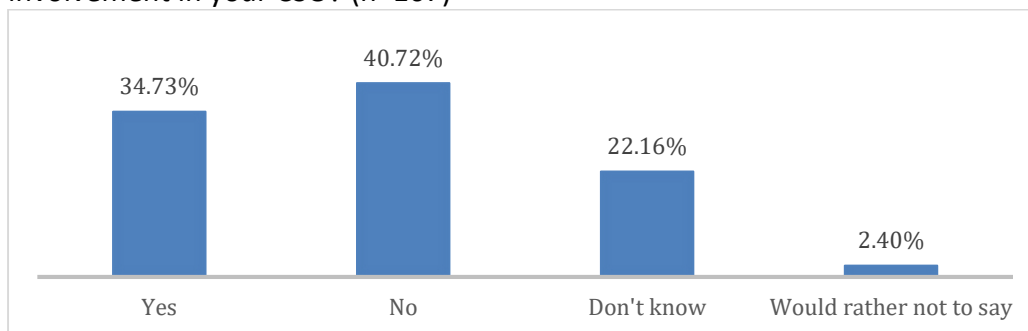


## Fundamental Freedoms Monitoring Project

5.9: In the last year, have you ever felt that your CSO's communications were being monitored by Government Authorities? (n=167)

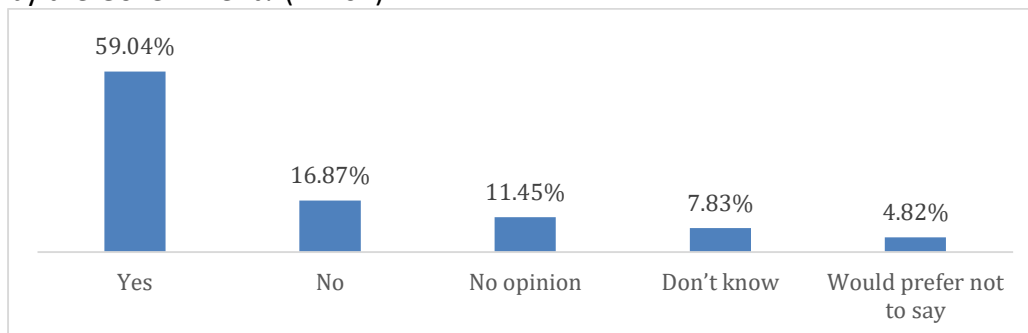


5.10: In the past year, have you been targeted by the Government due to involvement in your CSO? (n=167)

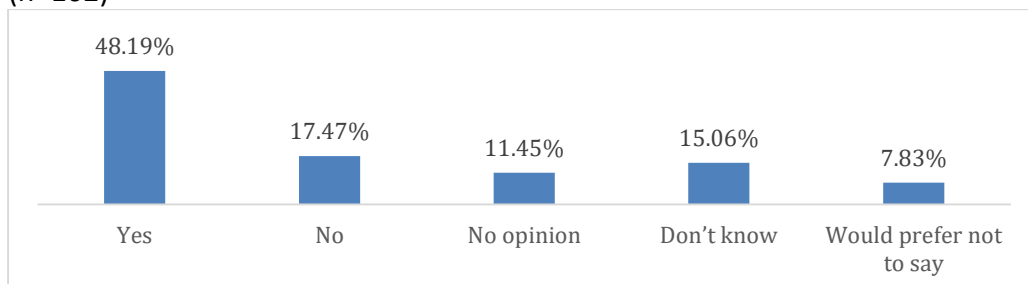


## Section 6: CSO and Trade Union Partnerships with the Government

6.1: Do you believe that your CSO is recognized as a legitimate development partner by the Government? (n=167)

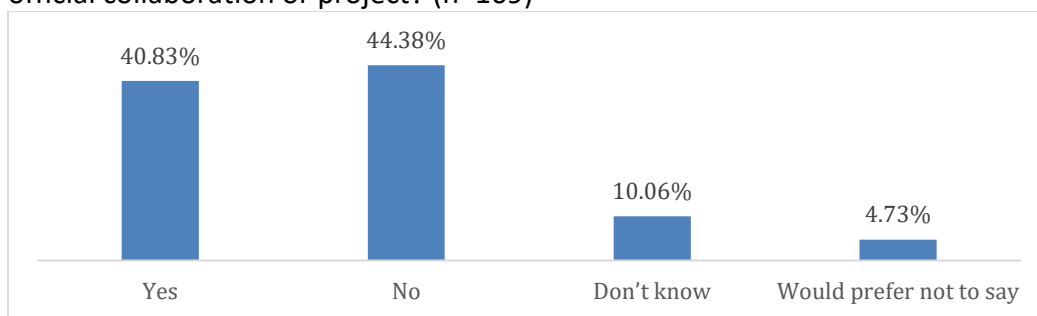


6.2: Do you believe that your CSO is recognized as competent by the Government? (n=162)

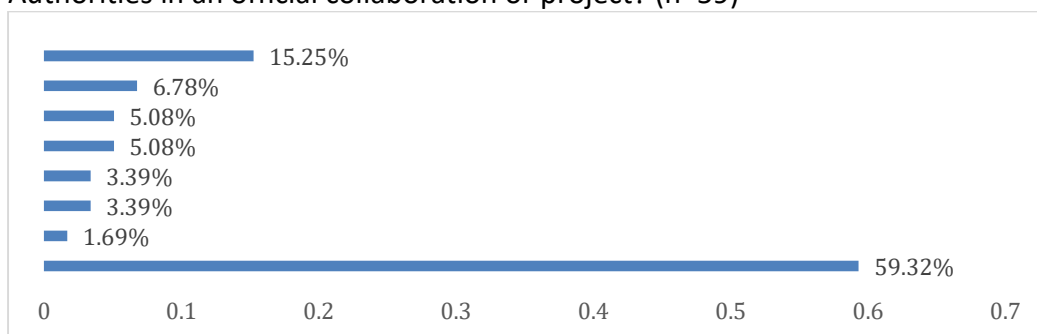


## Fundamental Freedoms Monitoring Project

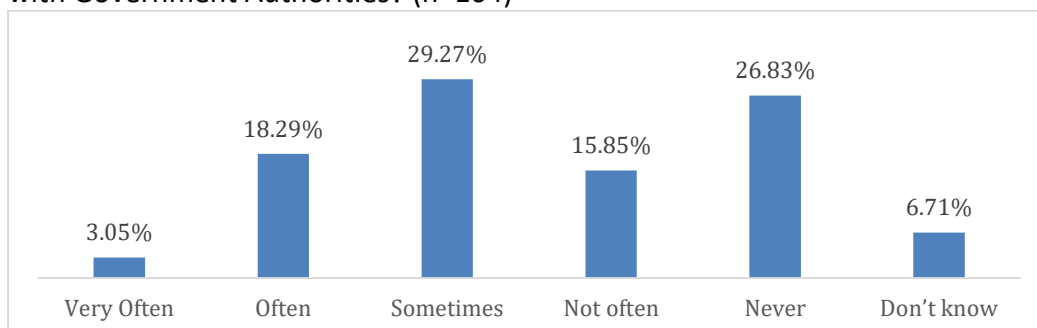
6.3: In the last year, has your CSO partnered with Government Authorities in an official collaboration or project? (n=169)



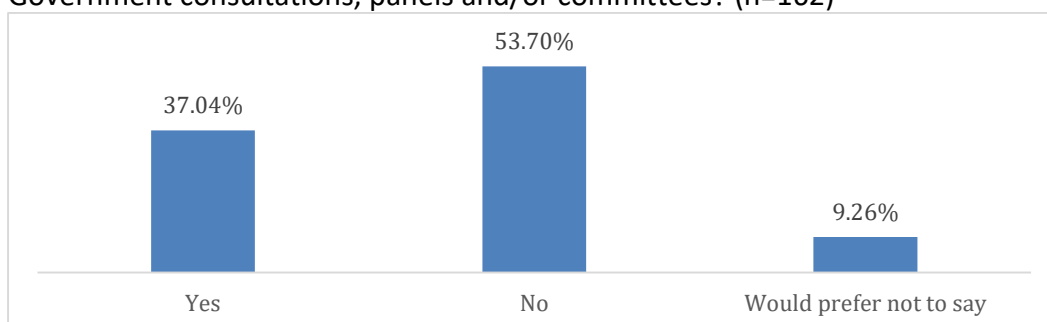
6.4: In the last year, how many times has your CSO partnered with Government Authorities in an official collaboration or project? (n=59)



6.5: In the last year, how often has your CSO informally partnered or collaborated with Government Authorities? (n=164)



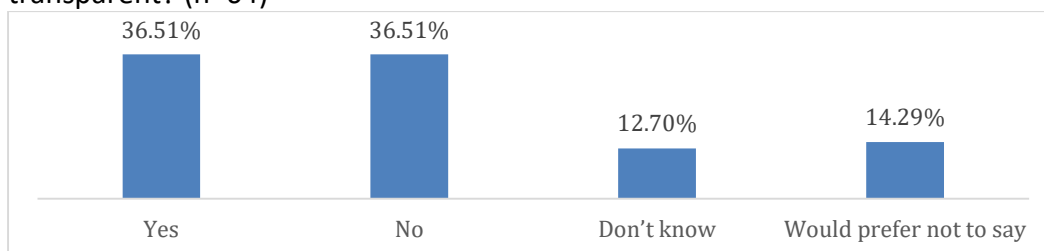
6.6: In the last year, have you been aware of any opportunities to participate in Government consultations, panels and/or committees? (n=162)



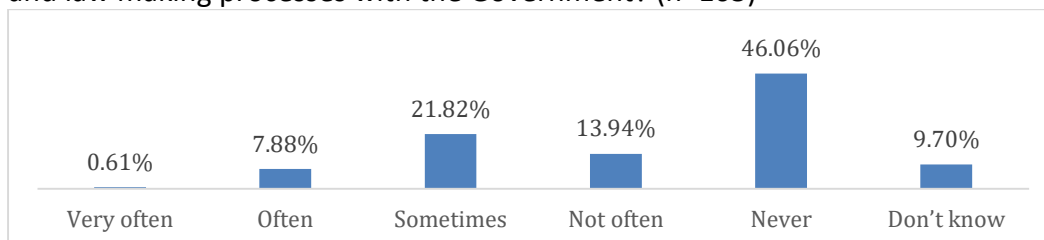


## Fundamental Freedoms Monitoring Project

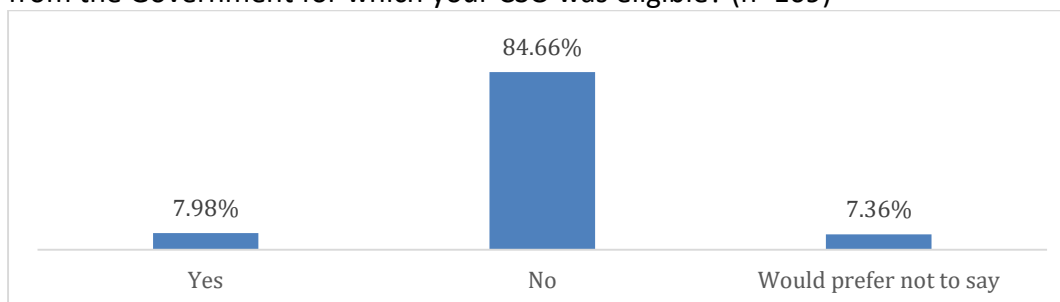
6.7: Do you believe that these calls for participation were explicit, open and transparent? (n=64)



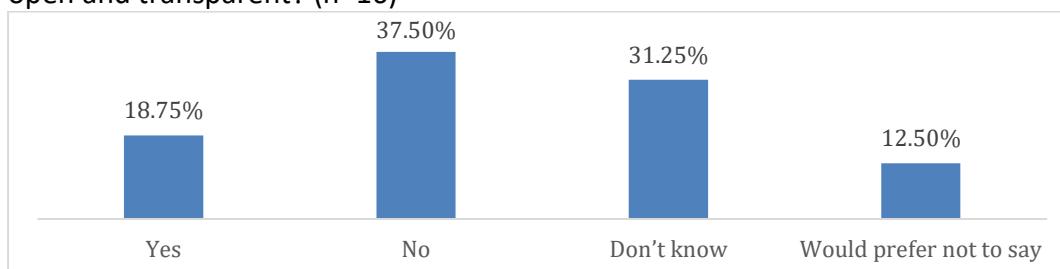
6.8: In the last year, how often has your CSO been an active participant in decision and law making processes with the Government? (n=165)



6.9: In the last year, have you been aware of any finance or funding opportunities from the Government for which your CSO was eligible? (n=169)



6.10: Do you believe that these Government financing opportunities were explicit, open and transparent? (n=16)



6.11: In the last year, has your CSO been able to access Government financing for capacity building? (n=16)

