1. Introduction

The rights to freedom of peaceful assembly and freedom of association (“FoAA”) are cornerstones of international human rights. The United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association (“UNSRAA”) is mandated to undertake a range of functions with the aim to promote and protect FoAA globally.¹ This factsheet will outline the fundamental rights of FoAA, explore the crucial links between the exercise of FoAA, civic space and sustainable development, and the exercise of FoAA through technology, as reported on by the UNSRAA in recent thematic reports. In addition, this factsheet provides an overview of the status of freedoms of peaceful assembly and association in Cambodia in recent years, and during the COVID-19 pandemic.

This fact sheet is produced by the Cambodian Center for Human Rights (“CCHR”). CCHR is a non-aligned, independent non-governmental organization (“NGO”) that works to promote and protect democracy and respect for human rights throughout the Kingdom of Cambodia (“Cambodia”).

2. UNSRAA Report Findings

**Who is the UNSRAA?**

The United Nations (“UN”) Special Rapporteurs are independent experts with mandates to report and advise on either a country’s human rights situation or a specific human rights theme. The UNSRAA was established in 2010 through the Human Rights Council resolution 15/21, and mandated to undertake a range of functions to promote and protect FoAA.²

**What are the freedoms of peaceful assembly and association?**

The UNSRAA defines the freedom of peaceful assembly as the right to collectively express opinions by organizing public demonstrations/assemblies to attract the attention of government, the media and the public. This right includes the right to participate in assemblies, meetings, protests, strikes, sit-ins, demonstrations and other gatherings for a specific purpose. The UNSRAA defines the freedom of association as any group of individuals or any legal entities brought together to collectively act, express, promote, pursue or defend a field of common interests. Associations can include NGOs, civil society organizations (“CSOs”), clubs, religious associations, political parties, and trade unions. This right equally protects associations that are registered and unregistered.

---

The link between FoAA, civic space and sustainable development

- The UNSRAA has found that the exercise of the rights to FoAA are essential for sustainable development and achieving the 2030 Sustainable Development Agenda. This is because these rights enable people to communicate, mobilize and connect, and ensure that people have a voice and can organize around shared interests.
- The UNSRAA identified five key areas where FoAA rights are crucial to sustainable development: ensuring participation and inclusiveness; creating an enabling space for civil society; ensuring transparency and accountability; creating partnerships; and supporting labor rights.
- The UNSRAA has expressed concern that civic space is closing globally, as states increasingly restrict civil society and impede individuals and CSOs from freely exercising their rights. According to the UNSRAA, an active and unfettered civil society is essential to development efforts, and is beneficial for poverty reduction, political participation, good governance, the economy, and more.

Global trends restricting FoAA

The UNSRAA has identified eight global trends regarding states restricting the exercise of FoAA:

1. Use of legislation to suppress FoAA;
2. Use of force to counter peaceful protests;
3. The repression of social movements;
4. The stigmatization of attacks against civil society;
5. Restrictions targeting particular groups;
6. Limitations on rights during elections;
7. The negative impact of populism and extremism;
8. Obstructions in the digital space

FoAA in the digital era

- Laws criminalizing online content and activity (e.g. cybercrime; anti-terrorism; surveillance; and anti-‘fake news’ laws);
- Shutting down access to communications networks during elections and demonstrations;
- Blocking websites; and
- Digital surveillance and harassment of civil society and dissenting voices.

The UNSRAA reported that, in addition to giving rise to new opportunities for the exercise of FoAA, the digital era has also created new threats to the exercise of these rights. The UNSRAA has reiterated that international human rights law principles protecting FoAA apply to the exercise of FoAA through technology; and highlighted that both states and technology companies must protect digital rights, calling on them both to follow human rights principles.

---

1 Kingdom of Cambodia, ‘Cambodia’s voluntary national review 2019 on the implementation of the 2030 Agenda for Sustainable Development’ (June 2019) https://sustainabledevelopment.un.org/content/documents/23603Cambodia_VNR_SDPM_Approved.pdf.
7 Ibid p. 4-13.
8 Ibid p. 9-12.
10 Ibid, p. 4-5.
Legal framework protecting the freedoms of peaceful assembly and association:

- **International**: The FoAA are enshrined in Article 20 of the Universal Declaration of Human Rights and Articles 21 and 22 of the International Covenant on Civil and Political Rights ("ICCPR"). Under international law, these rights are guaranteed to everyone without distinction, and any restrictions must comply with strict legal requirements.11
- **Domestic**: Article 31 of the Constitution of the Kingdom of Cambodia ("the Constitution") gives constitutional status to international treaties ratified by Cambodia, including the ICCPR, making them directly applicable in domestic law.12 The Constitution also directly protects these rights under Article 42. Further domestic laws seek to protect the FoAA, including the Law on Peaceful Assemblies ("LPA").

3. Overview of FoAA in Cambodia

Many of the findings captured in the UNSRRAA’s reports apply directly to the Cambodian context, as Cambodia has a curtained civic space and the rights to FoAA are regularly restricted. Examples include:

- **UNSRRAA finding – closing civic space**: Civicus has ranked civic space in Cambodia as "repressed", after the mass closure of independent news outlets, restrictions on the operations of CSOs, and the systemic targeting and harassment of journalists, human rights defenders ("HRDs"), political opposition and other dissenting voices, in recent years.13

- **UNSRRAA finding – the use of legislation to suppress the exercise of FoAA**: Several Cambodian laws contain provisions restricting the exercise of FoAA. Both the Trade Union Law ("TUL") and the election laws include provisions limiting assemblies,14 and laws including the Law on Associations and Non-Governmental Organizations ("LANGO"), the TUL, and the Law on Political Parties ("LPP") contain provisions imposing restrictive requirements on associations.15 In addition to these laws giving rise to restrictions, the arbitrary and inconsistent application of laws intended to protect FoAA has resulted in the prevention of assemblies and interference with associations. For example, between April 2019 and March 2020, CCHR recorded 185 assemblies (of which 54% related to land rights), with 54 restrictions and 21 violations of the right to freedom of assembly recorded. In addition, members of particular political opposition and trade union members, are frequently subject to judicial harassment and arrest, as are people who participate in assemblies, particularly HRDs.

- **UNSRRAA finding – excessive use of force to counter protests**: Enforcement officers have repeatedly used excessive force to dispel protests. For instance, in January 2019, the police and military opened fire on land-rights protestors in Preah Sihanouk’s Bet Trang Commune.16 Between April 2019 and March 2020, there were nine instances where authorities exercised force at peaceful assemblies.17

- **UNSRRAA finding – targeting particular groups**: In 2017, the main political opposition, the Cambodia National Rescue Party ("CNRP"), was dissolved by the Supreme Court. The same year, 118 CNRP members were banned from political activity and opposition leader Kem Sokha was arrested on charges of treason. Former CNRP members or supporters are increasingly targeted including through judicial harassment and...
monitoring by authorities, as well as numerous incidents of physical violence by unidentified third-parties. Other specific groups are also frequently targeted in Cambodia, particularly unions, HRDs, CSOs and independent media.

- **UNSRAA finding – threats to FoAA online:** In recent years, there have been numerous reports of the RGC blocking websites, removing content, surveilling associations, and harassing HRDs, political opposition, journalists and ordinary citizens for their online activities. Moreover, the RGC has used broad and vague laws to restrict FoAA online, and the UNSRAA has specifically expressed concern for the powers to prohibit online activities in the 2018 Inter-Ministerial Prakas No. 170 on Publication Controls of Website and Social Media Processing via Internet.

### Freedom of peaceful assembly and association in Cambodia during COVID-19

Since the outbreak of COVID-19 at the beginning of 2020, Cambodia has witnessed even further deteriorating civic space and a renewed crackdown on the exercise of fundamental freedoms, including FoAA. Since January 2020:

- At least 15 persons belonging to the CNRP have been arrested, with the RGC accused of cracking down on political opposition members;
- Multiple reports have surfaced of factory owners using COVID-19 terminations as a guise to cull union leaders and members. Reports suggest approximately 2000 union members have been terminated;
- Activists and HRDs have been subject to harassment and detained for questioning for participating in or observing peaceful assemblies.
- Groups attempting to submit petitions have been turned away, and protests and marches have been blocked.
- Memorials for murdered activists have been blocked, including a memorial for environmental activist Chut Wutty and a ceremony for assassinated political commentator Dr. Kem Ley.
- Environmental associations, including the Prey Lang Community Network and Mother Nature network, have been repeatedly interfered with and prevented from undertaking their activities.

### 4. Recommendations

FoAA rights are fundamental human rights owed to everyone. To improve the protection of FoAA rights in Cambodia, the RGC should review and implement the comprehensive recommendations made by the UNSRAA, particularly those contained in their recent 2018 and 2019 reports, including the following:

1. Amending laws restricting FoAA in Cambodia, including provisions in the LPA, LANGO, TUL and LPP;
2. Conducting training with authorities on the appropriate application of laws with respect for FoAA;
3. Ceasing arbitrary arrests and use of force against those who exercise their rights to FoAA, including online;
4. Recognizing the important role of FoAA and an enabled civic space in achieving sustainable development and working with civil society as partners in sustainable development.

For more information, please contact CCHR’s Advocacy Director, Mr. Soun Yuthyia by phone at +855 (0) 88 81 42 783 or email at yuthyia@cchrcambodia.org.

---

22 UN Doc A/HRC/43/41 (n 9) p. 9.
26 UN Doc A/HRC/41/41 (n 9); UN Doc UN Doc A/73/279 (n 5); and UN Doc A/47/347 (n 6).