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**DEMOCRACY
ELECTIONS AND REFORM
IN CAMBODIA 2022**

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Democracy Report 2022

Prepared by COMFREL

Content

Introduction	01
Chapter I –Civic Space and Political Rights	03
Chapter II –Democratic Media and Freedom of the Press	33
Chapter III –Labor Rights, Freedom to Unionize, and Decent Working Conditions...	47
Chapter IV –Electoral Freedom and Fairness	60
Chapter V –Democratic Governance.....	87
Conclusion	97
References and Further Reading	100

Introduction

Cambodia has been struggling to establish a stable democratic system since the end of the civil war in 1993. However, in recent years, there have been warranted concerns about the declining state of democracy in the country, particularly with regard to human rights abuses, suppression of political opposition, and limitations on freedom of expression. This report aims to provide an overview of the state of democracy in Cambodia and how it was affected by the events of 2022. As part of its activities, COMFREL conducts monitoring of elections and the quality of the electoral system in place, the role of women in politics in support of gender equality, the performance and responsiveness of the parliament, and ongoing news and current events in various areas pertaining to good governance.

This report is divided into four chapters which provide substantial empirical evidence of the tactics of autocratic rule and the very serious threats faced by citizens who seek to get involved in civic space. The report covers the situation of civil society and political pluralism; the situation of media and the dearth of freedom of the press; the situation for organized labor and the lack of protections for workers across all sectors of the economy; and the absence of separation of powers and representative and accountable government in the institutions of the state. In each chapter, a variety of cases are presented to chart and verify the democratic decline in Cambodia during the year 2022. As Cambodia moves to a dynastic system where a group of ruling families monopolizes control over both critical areas of industry and economy, as well as the ministries of the state, elections become increasingly unfair, and the judiciary is deployed to a greater degree to punish dissent. This adversely affects the quality of both the citizenry and governance. It also steadily diminishes the government's capacity to respond to structural and societal challenges, such as corruption, inequality, inadequate infrastructure, environmental degradation, and gender violence.

Cambodia has a long history of political turmoil, including a period of colonization by France, the rule of the Khmer Rouge, the period of civil war, and the violent factionalism which has characterized the CPP period. The Paris Peace Agreements were signed in

1991, which paved the way for free and fair elections and established Cambodia as a constitutional monarchy. Following the United Nations Transitional Authority for Cambodia, the country's transition to democracy has been fraught with challenges, including corruption, violence, and political instability. Democracy in Cambodia was first diminished following the 1993 elections in which the current ruling party (the CPP) refused to accept it as an electoral loss and threatened secession and violence. Since then, the ruling party has presented itself as the guarantor of peace while continually demonstrating its fundamental capacity to wage violence on political opposition as well as the society if its rule is challenged. Over the lengthy period of its dominance, the CPP has won every national election without there being a climate of political competition and respect for pluralism. The CPP has been accused of rigging elections, suppressing political opposition, and violating human rights. A brief increase in democracy following opposition gains in the 2013 elections was undone when the opposition party, the Cambodia National Rescue Party (CNRP), was dissolved by the Supreme Court in 2017, leaving the CPP as the only political force in the country. As a result, civil society in Cambodia faces significant challenges in promoting democratic ideals and protecting human rights. The government has imposed restrictions on freedom of expression, including the closure of independent media outlets and the imprisonment of journalists and political dissidents. Non-governmental organizations (NGOs) that work on issues such as human rights, democracy, and the environment have also been targeted, with many facing increased scrutiny and harassment from the government.

Chapter I – Civic Space and Political Rights

A government crackdown on Cambodia's opposition, NGOs, and independent media has erased the country's system of checks and balances, a consistent and ongoing decline in democracy, and the closure of civic space. Following the gains by the opposition party in 2013, PM publicly appealed to ruling party officials and members to reform to attract popular support, stating: "Firstly, you need to look at yourselves in a mirror," he said at the time, adding that CPP officials should then "scrub your bodies to rid yourselves of all the dirty things. You have to learn to accept reality based on criticism from stakeholders, the people, civil society, and the opposition."

However, faced with continued opposition gains and a potential victory in the 2018 elections, the PM and ruling party have pursued ever-increasing repression and legal persecution of the opposition, civil society, and journalism. Restrictions on civic space and political rights in Cambodia and 2022 were most dramatically exhibited in the wide-reaching practice of rule-by-law, evidenced in the process of five mass trials and the culmination in the prosecution of civil society workers in the 'ADHOC 5' trial. The five mass trials included:

1) Case 6536 (CNRP attack case). The case involved 9 senior members of the former opposition party (CNRP). They were charged with an attack on Cambodian institutions and territorial integrity, with evidence offered by the state of their involvement in a meeting organizing Sam Rainsy's 2019 return and organizing funds for defecting soldiers. The crime of attack (Article 451) is punishable by between 15 and 30 years in prison. Hearings were first held on November 11, 2020, and the verdict was reached on March 1, 2021.

2) Cases no. 1140 and 6005 (the Sam Rainsy return case #1). The case involved the prosecution of 60 members of the former opposition party (CNRP), including the party's top leadership. The prosecution relates to charges stemming from involvement in the failed attempt to return to Cambodia by Sam Rainsy in 2019, entailing criminalization of

any who attempts to participate in, organize, or gather party supporters and the public in relation to that return. The charges pertained to alleged incitement (Articles 494 and 495 of the criminal code), punishable by 6 months to 2 years in prison, and the crime of 'plotting' (Article 453), which is punishable by 5 to 10 years in prison. The first hearings were held on November 26, 2020, and the verdict was reached on June 14, 2022.

3) Cases no. 6725 and 7818 (Sam Rainsy return case #2). The case involves the prosecution of 78 members of the former opposition party (CNRP). The prosecution focuses on party activists and grassroots-level supporters. The accused are charged with incitement (Articles 494 and 495) and 'plotting' (Article 453). Hearings began on November 26, 2020, but are currently delayed, and no verdict has yet been reached.

4) Case number 887 (Cambodian National Rescue Movement and Military Incitement case). In this case, 21 senior members of the former opposition party (CNRP) were charged in relation to the formation of the Cambodian National Rescue Movement) which was organized outside Cambodia, and commentary made regarding the government's response to the Covid pandemic. They were charged with incitement and 'plotting, as well as inciting Military Personnel to Disobey Orders (Article 471), punishable by 2 to five years in prison. The first hearings were held on December 29, 2020, and the verdict was reached on March 17, 2022.

5) Mu Sochua return case. Hearings began on September 15, 2022 and the verdict was reached on December 22, 2022. 37 former opposition party members (CNRP) were charged with 'plotting', and 36 were convicted.

In March 2022, two separate mass trials culminated. In the first of these trials, which ended with a verdict on March 1, the Phnom Penh Municipal Court found the defendants guilty and sentenced them to 20 to 25 years in prison for the crime of 'attack'. Their only defense was a Bar Association -appointed lawyer, with the defendants stating that the lawyer did not represent them. The court also banned them from being candidates in elections. CNRP co-founder Sam Rainsy was sentenced to 25 years, vice presidents Mu Sochua and Eng Chhai Eang were sentenced to 22 years, and former MPs Tioulong

Saumura, Nut Romduol, Ho Vann, Ou Chanrith, Long Ry, and Men Sothavarin were each sentenced to 20 years in prison. They were also fined, with the total fines for the group being approximately 450,000 USD in damages to be paid to the government. The key evidence of their attempted coup was excerpts from speeches or public commentary where they discussed raising funds for defecting soldiers.

Human Rights Watch deputy Asia director Phil Robertson opined the sentences were absurdly severe and that they were politically aimed at ensuring those convicted would never be able to return to Cambodia. He also noted that the sentencing occurred when the courts were closed, and trial monitors were not allowed admittance. He stated: "Tricking observers and ultimately also defendants into believing that trials are postponed to the outrageous violations of the right to a fair trial in Cambodia." Former vice president of the CNRP Mu Sochua declared: "For us, even [if we] have been sentenced to 20 years, 30 years or 100 years, it is meaningless because we and the people know and understand that we are not traitors and never had the intention to hold any coup d'état. We want to have positive change through free and fair elections that provide people with hope and our youth with a clear future."

In the second trial that ended that month on March 17, 21 defendants were convicted and sentenced. The prosecutor alleged the defendants were part of a 'secret network', whose purpose was the disruption of the Cambodian economy and fomenting an uprising by the military against the state, and using the pandemic as a pretext to undermine government authority and generate mass uprising. Those convicted included 20 members of the former opposition party and one person, a relative of another defendant, who was not involved with the CNRP. They were all sentenced to between 5 and 10 years in prison. Seven of those convicted were tried and sentenced in absentia, receiving ten-year sentences for what appear to be unsubstantiated charges of "incitement," "inciting military personnel to disobedience," and "conspiracy." Twelve of those convicted were kept in pre-trial detention for approximately two years. The primary evidence against the accused was the formation of the overseas opposition Cambodia National Rescue Movement (CNRM) in 2018 and social media comments criticizing the government.

In June 2022, in a mass trial of 60 separate opposition party members charged with plotting and incitement, 31 were sentenced to between 6 and 8 years in jail. Another twenty had endured prosecution and detention and were found guilty and sentenced to 5 years in prison but then had their sentences suspended. At that time, security services detained Seng Chan Theory, a Cambodian-American opposition activist linked to the CIVICUS organization. Along with 19 others, Chan Theory was sentenced to 6 years in prison. Of those found guilty, 12 received sentences of 8 years. At the same time, another 15 arrest warrants were issued for opposition party members, mostly leadership who now reside in exile. Demonstrations outside the courthouse were met with force by a large contingent of police officers, who pushed and dragged protestors. Defendants Heng Chan Sothy, Tum Bunthorn, and Kam Komphear shouted that the Court was controlled by the PM and lacked independence by only functioning to follow orders.

In that case, the charges resulted from 2019 attempted return of former opposition party (CNRP) leader Sam Rainsy. The defendants were accused of attempting to organize a gathering in connection with Rainsy's return. The trial initially began in 2020. Prosecutors offered scant evidence, often setting out information that judiciary of international standards would find inadmissible or even laughable if it weren't for the clear abuse of authority by the state. For example, evidence of plotting and incitement included videos of Sam Rainsy discussing his intention to return, as well as the testimony of a counterterrorism policy official who declared any support for Rainsy's return was tantamount to incitement and the prosecutor's view that gathering people on holiday (as the planned return was Independence Day) was somehow itself a criminal act.

Table 1 – Results of Mass Trial Culminating in June 2022

Defendant	Sentence (Years)	Defendant	Sentence (Years)
Sam Rainsy	8	Hang Sophary	5 (suspended)
Eng Chhai Eang	8	Nov Vichet	5 (suspended)
Mu Sochua	8	Ou Kimhort	5 (suspended)
Tok Vanchan	8	Hieng Tak	5 (suspended)
Ho Vann	8	Srey Chandara	5 (suspended)

Ou Chanrith	8	Chea Yamorn	5 (suspended)
Long Ry	8	Kong Saphea	8
Men Sothavarin	8	Long Botta	6
Um Sam An	8	Van Narith	5 (suspended)
Ly Ratanakraksmey	5 (suspended)	Heng Daro	6
Mornh Sarath	8	In Khom	5 (suspended)
Isa Usman	8	Leng Senghong	5 (suspended)
Yok Neang	6	Chhat Vichea	5 (suspended)
Kak Komphear	6	Chham Chhaya	6
Tim Vanna		Tor Nimol	6
Sot Vandy	5 (suspended)	Heng Layhour	6
Ros Sophal		Khin Chamroeun	6
Khim Sinan		Neang Sokhun	6
Prum Rath	5 (suspended)	Hy Sokchea	5 (suspended)
Phoung Tha	5 (suspended)	Ney Leak	5 (suspended)
Chhun Bun Hea		Suon Chamroeun	6
Sok Ratha		Sao Ousaphea	5 (suspended)
Yong Sineth		Rin Rath	6
Prum Sokha		Seng Bunrong	6
Eak Chesda	5 (suspended)	Chheng Sorphorn	6
Thong Huoch		Khean Vises	5 (suspended)
Oun Pov	6	Meas Vises	
Niv Chamroeun	6	Heng Chan Sothy	6
Seng Chan Theory	6	Tum Bunthorn	6
Chea Chiv	6	Yu Chantheany	5 (suspended)

SOURCE: VOD News

In August 2022, announced (initiated in September 2022), another mass trial was initiated of 37 former opposition party members, including both leaders and activist supporters, concerning the attempted return of CNRP vice president Mu Sochua in 2021. The court

summons, dated August 19, alleged the individuals engaged in the criminal act of 'plotting', with the trial slated to begin on September 15. Among the defendants were 8 leaders of the former opposition party, which now reside in exile: Sam Rainsy, Ho Vann, Mu Sochua, Eng Chhai Eang, Ou Chanrith, Long Ry, Men Sothavarin, and Nuth Romduol. Mu Sochua's attempted return in 2020 was an attempt to face trial in relation to previous charges; however, she was blocked from entering the country, and her passport was subsequently revoked, along with other accused leaders of the former opposition party.

Defense lawyer Sam Sokong indicated that some opposition party members who were already in prison would be included in the trial, such as Kong Mas and Khan Bunpheng, while other former opposition party members would be tried separately, including Ir Chana, Voeun Veasna and Voeung Samnang were involved but would be judged in separate trials. Prior to the announcement 14 jailed opposition party members were transferred from Phnom Pehn to Correctional Center 3 in Tbong Khmum province. Those transferred included: Chanthy said the relocated prisoners were Long Phary, Khut Chroek, Ngin Phea, Yim Sareth, Nhem Van, Sok Chantha, Khim Pheana, Thai Sokunthea, Keo Thai, Piet Mab, Sun Thon, Chum Chan, Kong Sam An and Tum Bunthorn.

On 22 December 2022, the court sentenced 36 senior officials of the banned Cambodia National Rescue Party, to imprisonment with sentences ranging from five to seven year. Most of those convicted had already fled the country and were living in exile. The accused were charged for their support of CNRP vice president's attempt to return to Cambodia in early 2021. Mu Sochua's stated intention regarding her return was to face trial. 11 officials of the former CNRP were sentenced to seven years imprisonment, while 25 others were sentenced to five years. Three of the defendants are likely to serve time, while almost all of the rest are living in exile. Only four of the defendants currently reside in Cambodia: Khan Bunpheng, Kong Mas, and Voeung Samnang, who will be imprisoned, and Heng Sokleng, who was released on bail prior to the trial for mental health problems and has had his sentence suspended with time served.

The Phnom Penh Municipal Court found all defendants except one to be guilty as charged. It made clear the senior CNRP members or officials were sentenced more

harshly and had their right to stand for election revoked for the next five years. Three defendants had their sentences suspended, and it was decided that one defendant's charges should be dropped.

In this trial, prosecutors contended that the accused was part of an overseas group that used the idea of repatriation (the return of Mu Sochua) to hide a plot to launch a revolution and overthrow the government. Additionally, the prosecution argued that the group announced its repatriation plan on social media using the CNRP logo, contending that this was an illegal act and further evidence of an attempted coup. He stated: "The second return plan is a new scenario that hides an old trick, which is an attempt to topple the legitimate government." He also argued that the distribution of leaflets in foreign countries calling for democracy and human rights in Cambodia was evidence of incitement.

Table 2 – Results of Mass Trial Culminating in Dec 2022

Defendant	Sentence	Defendant	Sentence
Sam Rainsy†	7 years	Phorn Phanna	5 years
Mu Sochua†	7 years	Vann Narith†	7 years
Eng Chhai Eang†	7 years	Sor Chandeth	5 years
Tioulong Saumura†	7 years	Seng Meng Bunrong	5 years
Ho Vann†	7 years	Matt Vanny	Charges dropped
Ou Chanrith†	7 years	Sum Seyha	5 years
Men Sothavarint†	7 years	Chhun Sithy	5 years, fully suspended
Long Ry†	7 years	Prak Sarom	5 years
Mao Vibol	5 years	Ngim Nheng	5 years, fully suspended
Sot Silat	5 years	Voeung Samnang	5 years
Khin Samorn	5 years	Long Botta	5 years
Chhun Vean	5 years	Leng Sotheary	5 years
Chham Sophorn	5 years	Khan Bunpheng	5 years
Khin Chamroeun	5 years	Heng Danarot†	7 years
Khlaing Bun Lay	5 years	Kong Mas	5 years

Nuth Rumduolt†	7 years	Ath Vichet	5 years
Tor Nimol	5 years	Buth Sokunthea Thierry	5 years
Hay Vanna	5 years	Heng Sokleng	5 years, suspended with time served
Oun Pov	5 years		

† These defendants have lost their right to vote or stand for elections for five years

SOURCE: VOD News

In addition to these mass trials, in 2022, the appeals process for 5 human rights defenders was exhausted. They had been tried and convicted for a ‘sex scandal’ in 2016 involving former opposition leader Kem Sokha and wiretaps by the government. On 23 May 2022, the Appeals court upheld the decision by the lower court on the conviction of 5 individuals, current or former staffers, with the human rights CSO ADHOC. The five were arrested on 27 April 2016, held in detention until 29 June 2017, and sentenced on 26 September 2018. They were charged and convicted of bribery, allegedly having provided approximately 200 USD to a woman (Khom Chandaraty) who police and prosecutors said was the 23- year-old mistress of former opposition party (CNRP) leader Kem Sokha. The five human rights workers are Ny Sokha, Yi Soksan, Lim Mony, Nay Vongda, and Ny Chakrya. They were accused of providing the money in exchange for her agreement to not testify in a sex scandal case brought against Kem Sokha in 2016, charged with “bribery of a witness” (Article 548), and originally sentenced to five years in prison. Subsequently, the sentence was reduced to 14 months, with the remainder suspended.

Appeals Court presiding Judge Sin Visal stated: “Based on specific evidence in the case and after clear consideration, the Judges’ Council of the Phnom Penh Appeal Court found the accused guilty in this case.” The Judge openly conceded that according to the defendants’ testimony, the money was given to Chandaraty to help with food expenses and not in exchange for her agreement not to testify, which would mean that they did not commit bribery. However, the judge argued that a voice recording of a telephone call between Chandaraty and a man, whose voice sounded like Kem Sokha’s was evidence that made her account of the actions of the defendants plausible and that further evidence

corroborated her claims that the defendants attempted to bribe her. However, the defense attorney, Sam Tith Seiha, stated: “What I regret is the absence of Khom Chandaraty and Try Chhuon, who were key witnesses in the original trial ending in the conviction of my clients at the municipal court. The Court of Appeal only based its rulings on the statements made by these two women, who provided the sole basis for the court to charge my clients in the first place. Therefore, the absence of the only two people who provided testimony in evidence against them precludes the possibility of the court reaching a just outcome for my four clients at today’s hearing.” The Appeals Court ruling was upheld by the Supreme Court, ending the possibility of further appeal, on 18 November 2022. Yi Soksan, the only convicted person who attended the Supreme Court hearings, asserted: “Today, I regret the decision of the Supreme Court while I had thought the Supreme Court would find justice for a group who has worked to promote human rights. The court’s decision to uphold our convictions shows that the Supreme Court has no discretion in deciding to find justice for a civil society group.” Human Rights Watch also noted that at their trial, the prosecution “failed to present any of the witnesses mentioned in the case or provide any credible evidence to substantiate the charges.”

Opposition Candlelight Party leader, Son Chhay, was charged and found guilty of defamation of the National Election Committee and the ruling party (CPP). The Phnom Penh municipal court issued a separate ruling ordering the confiscation of his land and two buildings (one in Phnom Penh and one in Siem Reap). On 14 June 2022, the NEC accused him of defamation. On August 9 the ruling party CCP filed a 1 million USD lawsuit against Candlelight Party vice president Son Chhay, accusing him of public statements which impinged upon the ‘honor’ of the ruling party. On August 11, he was charged with defamation in a suit filed by the NEC. He was found guilty on October 7 and was given two months to issue a public apology to the NEC. The Appeals court upheld the lower court verdict on Dec. 14, and increased the damages to be paid to approximately 1 million USD for the ruling party, 2,200 USD for the NEC, and 2,400 USD for the government. On 23 February 2023, he lost his final appeal at the Supreme Court.

The complaint by the ruling party was filed by Ky Tech, head of the Cambodian

Government Lawyers Council and the lawyer for the Council of Ministers and Prime Minister Hun Sen. The violation allegedly occurred during a June 7 interview with US - based news organization The Cambodia Daily, which was compelled to shut down inside Cambodia in 2017. In the interview, Son Chhay referred to the electoral process in Cambodia as unfair. He stated: "This result doesn't reflect the will of the people, only intimidation, vote buying — there's stealing — so it remains like this." Further: "We don't want to compare it to a thief stealing a cow, [but] even when they steal three cows, we don't allow them to steal [all] five cows. This is speaking in a simple way; this is about the will of the people." In his interview, Son Chhay pointed out that in 2022 the NEC head was linked to the ruling party, and this had never happened from 1993 until 2022. According to the lawsuit, the commentary was: "dishonest, exaggerates the truth, provides false information, ill-intentioned."

Thach Sehtha, Candlelight Party vice president (who has since been prosecuted and imprisoned) such a complaint should be taken to the NEC, not the courts. He pointed out: "It must be solved through the NEC. And secondly, it is normal in a competition when one competitor is unhappy. They express their views, and it is just rhetoric. When we take this as a lawsuit, it is not right." Following Chhay's remarks, Hun Sen publicly rebuked election critics: "Whether the NEC or CPP have stolen it, please show your face and teach us the way it was stolen. Because the voting was right there, the counting was right there and the observers were right there ... how have [the votes] been stolen?" The National Election Committee also issued a public statement threatening to take legal action against Chhay, claiming his statement resulted in public confusion and loss of public confidence in the electoral process. The NEC indicated that Son Chhay's comments: were 'damaging to the voter values'.

On October 2022, Son Chhay was found guilty of defamation in two cases brought against him, one by the National Election Committee and one by the ruling CPP, for criticizing election irregularities in the June 2022 poll. He was fined 2,150 in the first case and 1,900 USD in the second and ordered to pay the ruling party 750,000 USD in damages. Moreover, the court ordered the verdict in media, at the court's noticeboard, and at elections centers across the country, with the cost of publication being borne by Chhay.

At trial, Chhay asserted he did not intend to defame the CPP, and indicated that his criticisms were aimed at improving the performance of the election body (NEC). However, ruling party lawyers argued he intended to deceive the public. Defense attorney Choung Chou Ngy, said they would appeal and that Chhay would not have to make a public apology. He asserted: "This case is a political matter, and it tends to cut him off from politics." At trial, prosecutors accused him of illegality because of his statement that the National Assembly was entirely composed of MPs from the ruling party so the ruling party could do what it wanted. Following the appeals court hearing, defense attorney Choung Chou Ngy pointed out that not one political prosecution had been overturned on appeal since the crackdown on democratic pluralism was initiated by PM Hun Sen in 2017.

In the 2022 Commune Council elections, Keo Somony won the election for Chhbar Ampov 1 commune (in Phnom Penh) as a member of the opposition Candlelight Party. He had served as a mental health specialist at the Ministry of Health's Department for Mental Health and Drug Abuse. Before official results were even released, on June 21 he was informed by the Department's Deputy Head, Chhit Sophal, that he was fired from his the Deputy Head of the department on June 14 for 'disciplinary measures'. Soon after, his wife left him and took their children with her, angered that he had chosen to enter politics against the advice of his family. The Common Statute on Civil Servants stipulates that ministries must respect the right of employees to receive a justification when they are dismissed and provide them with the opportunity to give an explanation, choose an advocate or defender, call witnesses, and review their file. None of that occurred in Somony's case. Minister Mam Bunheng signed his dismissal. Both Chhit Sophal and Minister Mam refused to respond to the media. By August 2022, the Candlelight party indicated that 3 different civil servants had been removed from their posts, seemingly without due cause. One official, speaking with VOA news on the condition of anonymity, expressed his regret and saw the situation as unfair. However, he stated: "But it is helpless. We are not leaders, and we don't know about the internal, something behind the scenes." Somony had been involved in politics since joining the Khmer Nation Party in 1995.

Along with his wife, he later became a member of the CNRP, which was banned in 2017. He had worked for the Ministry since 1995 and for the Department of Mental Health after earning an MA degree in clinical psychology from the Royal University of Phnom Penh. Following the 2017 ban on the opposition party, Somony was requested to join the ruling party, but he declined. Keo Somony had followed the regulations for civil servants running for office and obtained approval from the Ministry before the election. In the prior commune elections, 4 of 9 seats went to the opposition, but at present, only one seat is held by an opposition party member, where Keo Somony will hold the position of second deputy commune chief. Political analyst Meas Nee pointed out: “If you are flagged as outspoken, you don’t have to be involved with the opposition to be sidelined. You are not going to be promoted or hold an important position – unlike those who flatter the ruling party.” Commune chief Huot Pov, of the ruling party blamed Somony for holding two positions and receiving two salaries and claiming that individuals must choose one.

On 16 January 2023, Candlelight Party vice president Thach Setha was arrested and charged with issuing a bad check in 2019. Immediately following his arrest in the capital, he was sent to the Municipal Court of legal prosecution, with court spokesman Y Rin saying that the investigating judge was questioning him. The court’s arrest warrant was promptly posted on government-aligned Fresh News media. He is accused of violating Article 231 of the law on Negotiable Instruments and Payment Transactions. The charge carries a penalty of 5 years in prison and a fine of 10 million riels (approximately 2,437 USD). Candlelight Party leadership was initially unable to locate Thach Setha because the court was closed. Thach Setha had been remanded to Prey Sar prison.

Shortly afterward, the Candlelight party leadership announced it was negotiating with the government regarding the release of Thach Setha. Candlelight Party vice president Son Chhay stated: “We consider [the arrest of Thach Setha] politically motivated rather than due to his personal conduct.” Thach Setha’s defense attorney noted that the court had violated its procedures and the accused’s rights by not allowing him access to a lawyer during questioning and following his arrest. Defense lawyer Sam Sokhong stated: “I think that the procedure for questioning a client without being accompanied by a lawyer violated the court’s criminal code of procedure, especially interrogating the defendant at nighttime

and after administrative hours.” The charges related to an accusation by pawn shop owner Rin Chhay who claims that Setha issued five checks which could not be cashed in November 2019. The media could not contact Rin Chhay for comment. According to reporting by government-aligned FreshNews, in 2016 Thach Setha had borrowed 33,400 USD, using land titles for five properties as collateral. One of the titles belonged to the Khmer Kampuchea Krom Community, a CBO of which Setha is the president. Notably, at the time of his arrest, the company had long ago dropped the charges against Thach Setha, and he had already repaid the loan in full. This was not reported by FreshNews media. Defense attorney Sokhong noted: “There was a case that happened, but in the case of the person who filed a complaint related to fraud, the court has already acquitted the fraud charge,” Sokhong said. The legal principle of *res judicata* established that a person be prosecuted for the same crime after being acquitted of it.

Ultimately, independent media determined the true history of the case. Setha had taken a loan from the pawnshop in 2016 in the amount of 18,000 USD. Setha provided the lender with collateral in the form of land titles and intended to use the money to support the Khmer Kampuchea Krom community CBO. He left the checks blank to allow the lender to fill in the monthly amount. After the 2017 ban on the CNRP (main opposition party) he was removed from his position as a parliamentary MP, and lost his monthly salary. With five checks still at the lender, he requested that the loan repayments be allowed to be made in cash. The owner of Rin Chhay pawnshop has close ties to the ruling party. During the covid pandemic, he could not continue to make payments. The pawnshop sued him in 2018 because he stopped payments, but the court dropped the case because he had provided collateral in the form of land titles. Despite that, in 2019, the shop filed a criminal complaint alleging the five remaining checks were bad checks. Political analyst Em Sovannara noted the case was likely politically motivated because of Thach Setha’s position and role in the opposition Candlelight Party: “Although it seems like a personal issue, in this circumstance, we cannot avoid suspicion from the public that this is related to political suppression. The checks were issued a long time ago; why didn’t they take legal action earlier, and why did they just carry out [the arrest] now?” Discussing the lack of democracy and rights in Cambodia, in December, in Japan, Setha met with representatives from the Constitutional Democratic Party and the Liberal

Democratic Party. In January, he met with migrant workers, the Candlelight Party supporters in Korea, and the governor of Nosan city.

The pawnshop's lawyer Ly Tith Bonamy had asserted that Setha had signed a contract with the pawnshop guaranteeing repayment through cheques and had committed two types of fraud: bad cheques and using land titles as collateral when he was not the owner of the land. Setha's lawyer said his client is the owner of all five properties. Separating these two, Bonamy claims the 2018 and 2019 charges do not refer to the same crime. Touch Than, secretary general at the Khmer Kampuchea Krom Community, confirmed that Setha pawned land titles for five properties used by the association and that all property titles were in Setha's name. Touch Than said the community did not object to Setha's action and that if there was an actual crime, then Setha should have been detained following the original complaint in 2019. Moreover, he noted that the pawnshop had not been truly affected by any action since it could simply claim the land titles in order to complete the payment owed.

In the first months of 2023, Candlelight Party activists reported increased harassment and intimidation. They detailed cases of party billboards being torn down, policy monitoring of meetings, and photographs being taken of their members. These reports came from almost all provinces of the country, according to party spokesman Kim Sour Phirith said. Khem Monikosal, Candlelight's president in Pailin province, told media that local authorities and members of the security services have sought to intimidate opposition party members by threatening to take away government poverty cards which enable low-income families to collect approximately 43 USD per month for the purchase of dried foods. According to Su Yean, deputy chairman of the party's executive committee in Tbong Khmum province, authorities, directly and indirectly threatened both him and other members of the party in his area: "It is a scheme to discourage the public and Candlelight Party grassroots leaders not to carry out any activities to support the party."

In addition, PM Hun Sen took to media and social media to lambast opposition party supporter Sorn Dara, accusing him of betraying his family. Sorn Dara is a well-known

facebook commentator, who now resides in exile in France, and his father is a high-ranking military officer (Col. Sok Sunareth, deputy chief of staff of the Kampong Speu Provincial Operations Area and member of a ruling party working group). PM Hun Sen insulted Dara in stating: “You insult your parents to whom you owe gratitude, saying they have less education than you. Your parents gave birth to you. You still look down on them. How about the regular people? You are not human if you don’t recognize your parents.” According to pro-government media, the Khmer Times, Sorn Dara’s father publicly requested that his son stops criticizing Hun Sen and the ruling party. Sorn Dara was an official with the former opposition party (CNRP) who his parents disowned in 2017, when the opposition party was banned, for refusing to join the ruling party.

Sorn Dara is a former official of the opposition Cambodia National Rescue Party, or the CNRP, which the country’s Supreme Court dissolved in November 2017. He said his father disowned him that same year because he had refused to join the CPP. Sorn Dara claimed that his father’s statement was issued under duress, resulting from intimidation and harassment. He claimed that the PM effectively held his parents “hostage”, and asserted: “My parents are not politicians. If you [Hun Sen] want to target me, go ahead with me, but not my parents. ... This is an inhuman act, a crime against humanity, and terrorism.” According to the executive director of the Cambodian Human Rights Action Committee (a coalition of 21 NGOs), Ros Sotha, a coalition of 22 local NGOs, Hun Sen is targeting Sorn Dara because he is a popular and influential communicator. He warned: “This will dilute Hun Sen’s popularity. Hun Sen worries about it.”

An opposition Candlelight Party high-level adviser, Kong Korm, was sued by the ruling CPP party after he made a speech in Tbong Khmum province, which discussed the origins of the ruling party. First, Korm was publicly lambasted by Hun Sen. The ruling party’s provincial committee submitted a lawsuit to the provincial court, alleging he violated the Law on Political Parties and committed incitement, demanding 500,000 USD in damages. Before filing the suit, PM Hun Sen publicly threatened all opposition politicians, saying that any party that criticized the ruling party would face either lawsuits

or violence. He stated: “Now, you choose among two options: implementing through legal means through the courts or I have to gather CPP’s people to hold demonstrations and go to beat you. Which one do you prefer among the two?” The lawsuit by the ruling party was followed by a 1 million USD lawsuit by the Ministry of Foreign Affairs and an investigation by the Anti-Corruption Unit.

In the commentary by Korm, he discussed the founding of the CPP and made a vague reference to the intervention of Vietnam. Korm, previously a ruling party member, served as foreign minister under the Vietnamese controlled government of Cambodia during the 1980s. Korm stated: “I was told, when drinking water, to think about the source. The source is in the north, far away, to the east, and the one who planned it has a beard, a foreigner. Now, I will not recall anymore.” Korm contrasted the ruling party with the opposition Candlelight party and claimed the latter was founded (previously named the Sam Rainsy party) by “free Khmer democrats.” He asserted that the opposition party aimed to win five of the eight national assembly seats from the province, campaigning on the idea of ‘change’. The ruling party has accused opposition politicians of expressing a desire to overthrow the government when publicly calling for ‘change’ (for example, this became a point of the prosecution in the Kem Sokha trial, discussed below). Korm stated: ““So, does the Candlelight Party in Tbong Khmum commit to winning five out of eight seats or not? Change or not change? Take it or not take it? How many? Five! Commit, commit!”

According to the ruling party lawsuit, Korm violated Art. 6 of the Law on Political Parties, which prohibits parties from advocating or promoting secession, sabotaging Cambodia’s “liberal multi-party democracy”, and “inciting to break up the national unity.” It also accused him of violating Art. 42 of that law and Arts. 494, 495, and 496 of the Criminal Code. If judged guilty, Korm faced up to three years in prison. CPP spokesman demonstrated the presumption of guilt that faces those who dissent or criticize the government when he stated that he was not aware of Korm’s statement or the complaint against him, but it must be valid, or else it would not have been submitted and asserted: “It never has smoke without fire. There has to be fire for there to be smoke.” The ruling party spokesman also posited any criticisms of the January 7 holiday ‘Victory over

Genocide Day' were insults to the entire nation, and stated: "This is not an act of oppression as alleged by some people, but rather a reminder to them. Prime Minister Hun Sen has repeatedly declared that all politicians should be careful of irresponsible speech which hurts the CPP's honor." Eng Sroy, of the Candlelight provincial committee, pointed out the double standard as ruling party officials frequently criticized opposition parties and their members.

In his threats against Korm, PM Hun Sen asserted that the government could revoke his land and home, claiming that they actually belonged to the government. This claim was echoed in an interview with government-aligned Fresh News media by former foreign minister Hor Namhong. Korm contends that he had resided there since 1982 when he returned from the post of ambassador to Vietnam. He noted that the Phnom Penh authorities gave him a certificate of residence in 1990, which was converted to a hard title in 2015. PM Hun Sen took to Facebook, claiming that he had given the land to Korm for a residence but had not given it to him to own. He asserted: "All of the documents prepared by Kong Korm to own that land is a forgery to get state land and the house as private ownership. The house and land are still under the ownership of the Ministry of Foreign Affairs, and it is time for the Ministry of Foreign Affairs to take the house and land back if they have any requirements for the work of the ministry."

Hun Sen instructed all ruling party lawyers across the country to carefully scrutinize public remarks by opposition politicians and seek out rhetoric to be used in prosecutions. He asserted: I ask the CPP lawyers in all provinces to do this job. When you [lawyers] listen to their voice recordings, you must check carefully if it is necessary to file a lawsuit." Hun Sen also avered: "Hun Sen dares to handcuff the traitor (former opposition leader Kem Sokha) at midnight after we have the evidence. Hun Sen is not afraid of anything related to maintaining peace, I would like to warn you not to brag..."

After first expressing that he was not worried about the lawsuit, Kong Korm lost his land and residence as it was taken by the government and given to the National Election Committee for use. Korn forfeited the land after having been investigated by the Anti-Corruption Unit and sued by the Ministry of Foreign Affairs for 1 million USD. He then

announced he was quitting the Candlelight Party and apologized to the ruling party. In that apology, he thanked PM Hun Sen for his forgiveness. Following his resignation from the opposition Candlelight Party, the ruling CPP dropped its lawsuit (seeking 500,000 USD in damages) against Korm. Korm stated: "I believe that there was intervention from the upper levels of the Cambodian People's Party, and therefore thank the President Samdech Techo of the Cambodian People's Party for deciding to withdraw the complaint in Tbong Khmum." In a February 5 letter to the court by the ruling party, it was affirmed that the complaint was withdrawn because Korm had admitted his guilt and publicly apologized to PM Hun Sen. Korm stated that he and his family were saddened at the loss of their residence, and noted: "It is impossible not to want to have wealth and want to have the property for the family." Vann Chanlot, the legal researcher and observer, said using the judiciary to intimidate political opponents was not good for the development of the country: "In this kind of political form, it does not bring benefits to national unity or internal unity. On the contrary, it only increases anger and revenge."

At the beginning of March 2023, the trial of former opposition party leader Kem Sokha, came to a conclusion. The trial began in early 2020 but took three years. He was found guilty as charged with the crime of treason, allegedly having attempted to overthrow the Cambodian government in a 'color revolution' backed by foreign powers. The sentencing came five years after his arrest and detention. He was sentenced to 27 years in prison. Following the sentencing, his house was occupied by the Cambodian security services, and all his aides and guards were kicked out. After his arrest, Kem Sokha was remanded to Trapeang Phlong Prison for about a year, then transferred to house arrest in Phnom Penh (October 2018). After another year, the court allowed him to travel within Cambodia while banning his political participation.

Cambodian opposition leader Kem Sokha was found guilty of treason on 3 March 2023 and sentenced to 27 years imprisonment. According to the court, collusion with foreign powers began in 2010. Kem Sokha's lawyer, Meng Sopheary, told the media that he would appeal the verdict. The court's ruling also removed his right to vote or to participate in politics. The primary evidence against him was a 2013 video where he mentions his election strategy and the assistance of US elections experts.

The United States Embassy has repeatedly rejected the claim that the US government aided Sokha or attempted to foment a revolution in Cambodia. The court refused to make public information or details about the actual foreign governments with which Sokha was alleged to have colluded. It said in its statement that it omitted the alleged foreign countries from its decision for national interest and to maintain Cambodia's relationship with those countries. During the trial and again during the closing arguments, defense attorneys pointed out that there was no evidence of collusion or of Sokha's alleged desire to foment a 'color revolution'.

The judge claimed that Sokha was 'taking ideas' from other countries, implying that this was a criminal act, and also claimed that Kem Sokha had founded the human rights NGO Cambodian Center for Human Rights (CCHR) in order to further his revolutionary plans (despite the fact that the organization was founded in 2002). The judge declared: "The accused activity is an illegal act that affected the peace, national security, stability, and happiness of the people." Defense lawyer Ang Udom argued that the court was not independent: "We all already knew that this is a political case and only the politicians can decide [it]."

Despite the fact that the 2013 video was the main piece of evidence in the prosecution's case, the defense claimed the video was edited. Notably, in 2020 Sokha requested the court include the whole video in the trial rather than simply a revised section. Aside from the single statement made in a short segment of the speech, no other parts of his speech were found to be evidence of guilt. Also, no video evidence experts took part in the trial. Part of the prosecution's case was based on the testimony of former CCHR staff member Chhim Phal Virun, who now holds positions as ruling party spokesperson and adviser to Prime Minister Hun Sen. Chhim Phal Virun said that CCHR received 800,000 USD to for its establishment, implying that this was indicative of collusion by claiming that although other donors offered funds, they were refused by the NGO. He claimed only IRI was allowed to cooperate with CCHR. He stated: "I had seen that the nature of the Cambodian Center for Human Rights Cambodian Center for Human Rights leaders' leaders was to favor foreigners, and [they] seemed like foreign agents rather than a local organization." He claimed that Sokha exhorted staff to replicate the popular

revolutions of Yugoslavia and Serbia. Notably, there was no modern Serbian revolution as the Serbian revolution occurred in the 1800s, and the 'Orange Revolution' took place in Ukraine in 2004. Thus Virun's testimony seems to lack credibility because it is unlikely that if Sokha made those statements that he would have been so erroneous with regard to historical facts. Virun claimed about Sokha: "He always encouraged volunteer staff not to be afraid because we had foreigners behind us." He contended that Sokha frequently had secret meetings with foreigners, but when defense attorneys asked how he knew the meetings were secret, he said it was because he was not included in the meetings. He also claimed that the frequency of donor visits to the NGO indicated suspicious activities. Virun conceded that he could not name or identify any of the visitors to the NGO but asserted: "The characteristics of CCHR and the activities of the officials are qualified as an agent rather than as a local NGO. Kem Sokha had political characteristics. He already said foreign organizations asked him to create it, and I have seen it like this."

Following that, the prosecutor's interrogation turned to environment activists Keo Srey Neang and Ma Chettra (neither had been affiliated with the CNRP and were part of 'Social Breaking News' media), and Seng Sovanna (who previously served as the deputy head of the CNRP youth group for Phnom Penh). Neang and Sovanna attended training by the Serbia-based group CANVAS in 2016. The organization has been accused of playing a fundamental role in fomenting a color revolution in Cambodia. The witnesses stated that CANVAS training had focused on advocating for social and environmental issues, and no revolution was mentioned. The training also imparted skills for election monitoring and observation. Sovanna noted that his participation was not organized or ordered by the CNRP. Prosecutors asked if the training were reflected in Sokha's speeches or public statements, and Sovanna replied: "I think they are not matching with each other", noting the differences between Sokha's speeches and the content of training. Notably, in 2017 prior to the accusations of treason against Sokha, the PM had already declared that the CCHR served foreign interests and must be shut down, although he would later change his mind and allow it to remain open.

According to the Phnom Penh Municipal Court's statement, "promoting human rights and democracy is legitimate and is protected by the Constitution. But the court found out that promoting human rights and democracy with help and collusion in secret – and planning with foreign countries and foreign agents to topple the legal government through mass demonstration and color revolution – is illegal."

According to Soeung Sengkaruna, spokesman for the Cambodian Human Rights and Development Association, the trial outcome was predictable because of a lack of independence of the courts. He noted: "The verdict will affect younger politicians; they have difficulty competing in Cambodia's political environment. I am concerned about human rights and democracy in Cambodia." Independent political analyst Seng Sary commented that the verdict was part of PM Hun Sen's strategy to ensure an unimpeded power transfer to his son and noted: "This is a one-party government hidden under pluralism. It is very sensitive during the transition to eliminate rivals for his successor to grow."

The U.S. Embassy in Cambodia rejected the verdict, calling the charges a "fabricated conspiracy". According to the US Department of State: "Kem Sokha's conviction is part of a larger pattern of threats, harassment, and other unacceptable actions by Cambodian authorities to target political opposition leaders, media, and civil society. These actions impede any chance for a free, transparent, and fair electoral process. Moreover, prosecuting and convicting individuals like Kem Sokha and many other political figures for exercising their freedoms of expression and association undermines Cambodia's constitution, international obligations, and past progress to develop as a peaceful, pluralist, and inclusive society."

Amnesty International Deputy Regional Director Ming Yu Hah said the verdict was yet another clear verification of the lack of independence of the Cambodian judiciary. She asserted: "Sokha is one of many opposition figures who has been put through a physically and psychologically taxing ordeal which will continue after today's unjust verdict. There can be no right to a fair trial when the courts have been co-opted by the heavy hand of the government. Sokha has spent years in detention, moved in and out of prison, and endured house arrest in a virtually ceaseless attempt to silence him. He has also been prevented from leaving the country due to unnecessary restrictions on

his freedom of movement. The Cambodian government should drop these fabricated charges and immediately and unconditionally release Kem Sokha.”

Phil Robertson, deputy Asia director at Human Rights Watch said: “It was obvious from the start that the charges against Kem Sokha were nothing but a politically motivated ploy by Prime Minister Hun Sen to sideline Cambodia’s major opposition leader and eliminate the country’s democratic system. Sending Kem Sokha to prison isn’t just about destroying his political party, but about squashing any hope that there can be a genuine general election in July.”

Adilur Rahman Khan, Secretary General of, International Federation for Human Rights, opined: “The sentence of 27 years under house arrest for Kem Sokha is an act of sheer vindictiveness by the Hun Sen regime and has nothing whatsoever to do with justice. The charge of treason against him is utterly preposterous, and a court can only accept it at the service of a government that has turned the country into a one-party dictatorship, where there is no room for separation of powers, one of the main pillars of any healthy democracy. All the judges presiding over this and other cases against opposition figures are members of the ruling Cambodian People’s Party (CPP). Kem Sokha is accused of conspiring with the US government to overthrow Hun Sen, a manifestly absurd accusation. Yet truth matters little to the Hun Sen regime. Like many other members of the Cambodian opposition, Kem Sokha has been put out of the political map ahead of the general election, scheduled for July this year, so Hun Sen and his CPP can win without hindrance. “Nobody should be fooled into believing that, in the current conditions, a fair and free election is possible in Cambodia. With so many opposition figures in jail or in exile, and the continuing harassment of the opposition, the polls will only be a farce designed by Hun Sen and his party to legitimize their power. The international community should not fall for such a charade. ASEAN and the global community at large should condemn in the strongest terms the travesty of justice inflicted on Kem Sokha, as well as on dozens of other opposition figures, start putting real pressure on the Hun Sen regime, and make it clear that the results of an election held under the climate of fear currently prevailing in Cambodia are unacceptable.”

In June of 2022, Chin Malin of the Cambodian Human Rights Committee and spokesperson for the Ministry of Justice labelled Cambodia a paradise of civil society and claimed it was accepting civil society since 1993. As proof, he noted that more than 6,000 CSOs were in operation in the country. He also referred to the highly controversial LANGO as a law to protect civil society and noted that the number of CSOs has increased since the legislation was enacted. On June 20, United Nations Secretary-General issued a call to action for human rights in Cambodia. He asserted that for the 2023 elections CSOs, including women's organizations, have to be permitted to contribute in policymaking, and noted CSO contributions towards governance, environmental protections, peacebuilding, and human rights. He asserted, "They are found in every province of the country, in every sector, and staffed by individuals and volunteers from a wide range of backgrounds." The United Nations did not have the mandate to participate in assisting or observing the 2022 elections but did monitor the process. He noted the UN is available to assist the government in improving democratic public space through legal reforms which would increase Cambodia's compliance with international human rights standards and obligations, referring specifically to the Law on Associations and Non-Governmental Organisations (LANGO) and the Law on Trade Unions. He asserted: "As a development partner of Cambodia, we will continue to highlight the interdependence of all human rights and to collaborate with the government to improve civic space and to ensure that Cambodia's development is shared, inclusive and harnesses the skills and contributions of the society as a whole and the country's civil society."

Am Sam Ath, deputy director of the rights group LICADHO, said that human rights CSOs had faced restrictions, limiting fundamental rights. He argued related challenges were encountered by both CSOs and trade unions. He said: "That is why the UN has raised these concerns about the freedom of civil society and freedom of assembly, peaceful assembly, freedom of expression and freedom to form this organisation, association or union. National CSOs do not only see this point; even the UN has noted this point and urged the government to be more open to fundamental freedoms, especially the freedom of the CSOs to promote human rights and democracy in Cambodia."

At the same time, Chin Malin claimed that Cambodia had more CSOs than major democracies, but civil society's "quality and maturity" remained a problem. He argued that some organizations lacked the maturity to be part of the public space and argued the problem lies in their polarization and politicization as CSOs were tools of political parties. He claimed: "Some civil society groups serve the society only in the image, but their real goal is to attain political power. They start by portraying a civil society image but then link up with a political party and take part in the party's political activities. They also support it in order to share the benefit of civil society and political power in the country."

In December 2022, Minister of Interior and Deputy PM, Sar Kheng announced that there were 6,109 associations and non-governmental organizations (NGOs) in Cambodia registered with the Ministry of Interior. He announced at the 5th Forum on Partnership between the Royal Government and Civil Society Organizations (CSOs). Of that number, 2,623 are associations, and the rest, 3,486 are NGOs. The Minister applauded the contribution of civil society in Cambodia, crediting NGOs and CSOs with boosting the Royal Government's reform program in terms of increasing good governance, human rights, judicial system, education, health, natural resources and environment. He asserted that such organizations should be allowed to carry out their activities without restraint and with cooperation from local authorities.

At the government-civil society forum, Minister of Interior Sar Kheng instructed local authorities to allow CSOs to operate without restrictions in the time leading up to the 2023 elections. He said that sub-national government bodies should cooperate and assist civil society organizations, including foreign NGOs: "Make it convenient for registered NGOs and associations that have signed MoUs with the Ministry of Foreign Affairs and International Cooperation to work freely without restrictions, especially during the National Election." At the same time, he said that NGOs must remain neutral. Following the announcement, Dy Rado, deputy governor of Oddar Meanchey province, said he would direct local authorities under him not to obstruct NGOs. The sentiments were echoed by Min Yon, commune chief in Prek Anchanh of Kandal province: "I will advise all local officials to follow Sar Kheng's guidelines. I will instruct all officials in Prek Anchanh

commune to use appropriate words and conduct with election observers without threatening or using violence against them.”

However, Korn Savang, with COMFREL, indicated that NGOs were treated poorly during the 2022 election, especially on polling day, as local officials obstructed monitoring until NGO personnel obtained a letter of permission from local authorities. Moreover: “We had seen that when we deployed our official to investigate or observe the election day in the past, we have had trouble with the local authorities because they stopped us from monitoring the election process.” He also asserted that local authorities had impinged upon monitoring staff training. NGOs frequently encounter local authorities who believe that NGOs are against the government, as in 2021 when Takeo authorities would not allow COMFREL training to take place. Heng Kimhong, Head of the Research and Advocacy Programme of the Cambodian Youth Network Association, said he wanted Kheng’s statement to prevent threats against NGO workers. He noted: “We see that the Law on the Rights of Associations and Non-Governmental Organisations has many articles that stipulate the full rights in the performance of NGOs’ duties, but on the contrary, I have observed local officials have failed to comply with it. Please implement the law that is relevant to NGOs.” He also pointed out that NGOs were frequently prevented from carrying out activities by local authorities until permission was granted.

On 2 February 2022, Cambodia Education Minister Hang Chuon Naron issued a letter directing the closures of an NGO network of 550 schools to cease operations due to its links to the former media organization, which was forcibly closed in 2017 after getting hit with a huge payment for back taxes. Japan Relief for Cambodia and World Relief for Cambodia (JRfC-WAfC) established and funded the network. It provided computer training and English classes to low-income households. However, the Ministry declared that the organization must stop activities because it was associated with the Cambodia Daily. The Daily continues to operate from the US online and releases news in Khmer. While affiliated schools were allowed to remain open on the basis that they had been donated to the RGC, the teaching and learning programs were not allowed to continue. Ouk Chhayavy, the Cambodian Independent Teachers Association president, stated: “We are sad about the closure because the NGO helped many poor students.”

In April, Candlelight Party candidate Khorn Tun was attacked, and a group of unidentified men proceeded to stone her home in Tabaung Khmom province. A large group of assailants beat a Candlelight Party youth leader from the Kambol district in Phnom Penh. Preceding those incidents, after receiving threats and being assaulted, Candlelight Party candidate Choeun Sarim was attacked and killed in Phnom Penh while in traffic on a motorbike.

Hong An, the deputy head of Candlelight's Oddar Meanchey executive committee, fled the country on 17 July 2022, fearing for her life after she experienced multiple incidents where her safety was at risk. Hong An was previously convicted and sentenced to 12 months imprisonment following a protest outside the Chinese embassy in 2020. According to An, the incidents included: May 2022, a car with three passengers attempted to run her over in Oddar Meanchey province Trapaing Prasat commune; a group chased her and a colleague when they were driving a motorcycle resulting in injury to a colleague; and uniformed soldiers attempted to arrest her when she was monitoring the commune election polling. She said that following that incident, she received a warning that she would be arrested or killed. Her family distanced itself from her for fear of being associated with her.

In October 2022, Hoeun Sineat, a land activist from Tbong Khmum province, was beaten in Phnom Penh by unknown assailants. Sineat is an activist supporting the Sre Praing community of the Dambe district in Tbong Khmum province. He was in Phnom Penh to attend a seminar and was attacked in the Chamkarmon district when he went to buy some food. He was severely beaten and suffered head and face injuries. He claimed that on October 17 he filed a complaint with the Phsar Doeum Thkov commune on October 17, but Psar Doeum Thkov police chief, So Samban, told media he was unaware of the complaint.

In October 2022, Po Hin Lean, father of three and Candlelight Party supporter, was shot dead in Tbong Khum province. Thach Setha, a Candlelight Party leader, said: "A clear investigation must be conducted to catch the perpetrators and bring them to justice, to stop such killing whether it happens to political activists or [ordinary] people." However, police chief On Sam On of Chak commune refused to provide any information

to the media. Wen Kimyi, the victim's wife, said: "The police officer said the village security guard was the shooter. I said it was not the village security guard who fired, because the village security guard did not have a gun." Three village security guards and three police officers were arrested for the crime. However, prosecutors were allowing for a negotiation with the victim's family which would allow them to go free in exchange for providing compensation. Locals criticized the police for their abusive tactics involving unnecessary violence.

The victim's wife said that she initially rejected the compensation offer arranged by the local police but would consider a larger offer because she needed money to pay for her husband's funeral. She indicated that her family, a poor household, needed money but also wanted justice. Police alleged the assailant was a village security guard but could not explain where he got a gun from, what he did with the gun afterward, or his motive for killing. Leng Seng Han, a provincial coordinator for the Cambodian Human Rights and Development Association (ADHOC) said violent crimes such as murder could not be addressed or solved through compensation payments, as perpetrators must be brought to justice. He also noted: "It is wrong for [police] to be involved in mediation outside the court." Eng Sroy, a Police Academy lecturer and president of the Candlelight Party working group in Tbong Khmum province, said it was problematic that the police took so long to identify and arrest a suspect and noted that investigators should remain neutral in an investigation.

Nol Pongthearith, a Candlelight deputy in charge of its Pur Senchey district office, attacked in November 2022. Unknown assailants approached him by motorcycle and slashed his head with a knife before fleeing. Six attackers could be seen on CCTV footage. Setha asserted: "All relevant institutions, especially the Ministry of Interior, must investigate and arrest the perpetrators and those behind them to gain the people's trust and avoid political violence before the election."

As the 2023 election approaches, in combination with fear and intimidation tactics used to ensure the self-censorship of CSOs, the ruling party has instigated a strategy of co-optation, persuading civil society activists and opposition party politicians to join the ruling party, and in some cases renounce their former organizations. Yang Saing Koma, one

of the founders of the Grassroots Democratic Party, joined the ruling party in November 2022 and was then appointed secretary of state of the Agriculture Ministry and a delegate minister attached to the Prime Minister. In December, he was moved to vice president of the governmental Council for Agricultural and Rural Development. He joined the CPP along with GDP officials Loek Sothe and Khat Sothy. Former environmental activists Chhum Huot and Chhum Hour went on social media to publicly announce: "We no longer fall into Sam Rainsy's traps anymore." Both CSO supporters and opposition party supporters have been offered government jobs within the civil service by joining the CPP.

At least eight activists have recently joined the CPP and taken government positions. Brothers Chhum Huot and Chhum Hour previously monitored deforestation and illegal logging. Following the affiliation with the ruling CPP, they were appointed to high-level positions in the Ministry of Posts and Telecommunications. Chhum Huot stated: "The government doesn't use its force to abuse its citizens. However, if there are abuses, such as human rights abuses, and illegal logging, we will continue to criticize the government. We will file a report to the government to prevent those abuses." Another former activist, Muong Sopheak, was convicted in 2021 for incitement following participation in a peaceful demonstration and joined the government (as did his brother Muong Sony). Following their affiliation with the ruling party, they also publicly condemned the former opposition party leader Sam Rainsy. According to former CNRP senior member Un Sam An, who now lives in exile in the US, the ruling party is buying critics with government positions or pressuring them as they fear for their personal security. "Those activists acted for personal benefit and not for the national interest." Um Sam An told Radio Free Asia. However, ruling party spokesman Sok Eysan said it was normal for the ruling party to persuade people to leave their political party and join the CPP, claiming that positions were always merit-based. Notably, after the closure of VOD news and the resulting criticism, PM Hun Sen offered government jobs to the organization's staff. It informed them they would be exempt from the qualifying exam.

Adhoc President Ny Sokha said: "The election is coming closer. We don't oppose [youths joining the CPP], but so far, I don't see those who have joined with the ruling party contributing anything to society. They tried at first but later disappeared." Former Mother

Nature Activist Thun Ratha has previously encountered legal prosecution for his environmental work. He noted the problem of people selling out their values and asserted: "It is sad for our country. Those who are supposed to help the country shouldn't do it for their benefit. I am ready to go to jail or be killed."

The venerable Soy Sat case demonstrates the limits to religious freedom in Cambodia. Members of religious groups are only allowed their religious freedom if they do not broach social justice issues and attempt to put their religious ethics into practice in society. After being arrested for a second time in a period of one week, Buddhist monk Soy Sat, was defrocked. Authorities claimed that this was valid, given his political opinions linking him to the opposition Candlelight party. Soy Sat was taking place in a public demonstration calling for social justice. At the same time, another marcher, Cheat Kamara, was also arrested but then released following the defrocking of Soy Sat. Kamara contended, "The chief monks told Venerable Soy Sat that monks are supposed to eat and practice religion and not be involved with politics." However, Soy Sat believed monks must care about society and support good social ethics. Prior to his arrest, local police told Soy Sat that if he wished to continue demonstrating, then he must get permission from the Ministry of Interior, but Soy Sat continued his demonstration. The monk, 72 years old, had received a food donation from Candlelight Party Vice President Rong Chhun (a labor union leader who has previously faced legal persecution). However, Soy Sat informed authorities that he was not a member of the Candlelight party and did not attend any local party meetings. During a previous 'peace' march demonstration in February, the monk walked with demonstrators from Phnom Penh to Pursat. Following that event, he was expelled from his pagoda in Kampong Speu as the top monk accused him of incitement and trying to destroy peace. Following the defrocking, Soy Sat fled to Thailand, indicating he no longer felt safe in Cambodia, as authorities in both Battambang province and Phnom Penh continued surveillance on him. In Thailand, they returned to monkhood.

In another case, in Kampong Speu province, soldiers threatened a monk and confiscated his phone while he was attempting to monitor deforestation. Teok Mao, a member of the Metta forest community in Oral district, reported that the soldiers harassed the monk and threatened him with violence. The monk had been taking residents accused soldiers of

threatening to use violence against a monk trying to protect the forest, confiscating his phone to stop him from taking photos of their activities. Previously the local villagers had been threatened with gunshots during demonstrations. In 2021, a government sub-decree granted 262 hectares of forest land to the military's armored vehicle military unit. The land was used for traditional uses by approximately 253 families and is inside the Phnom Oral Wildlife Sanctuary. The clearing reportedly reached the pagoda in the center of the forest where the monk Venerable Prom Thomacheat lived, and the pagoda was burned. Locals reported that deforestation was promoted by a local environmental official who would pay for loads of luxury wood and wood used to make charcoal.

Chapter II – Democratic Media and Freedom of the Press

Cambodian media space continues to deteriorate as the government employs a variety of repressive tactics to restrict freedom of the press and freedom of expression in the country. Throughout the year, journalists faced violence, harassment, judicial prosecution, and censorship. In November of 2022, a joint statement by 32 organizations called for greater respect and protection for journalists. It noted: “According to the Cambodian Journalists Alliance Association (CamboJA), 57 journalists were harassed in the last 10 months alone (January to October 2022). Of these 57 journalists, 23 were subjected to violence and threats, 12 were arrested, 12 faced judicial harassment, six were detained for questioning, and four media outlets’ licenses were revoked.” CamboJA reported that from October to December 2022, 6 incidents impacted 10 journalists, including 1 case of legal action, 1 case of imprisonment, and 4 cases of violence or threats.

Reporters without borders describe the media climate regarding the closure of independent media, the dominance of pro-government coverage, and the attempts by new independent media to report without being censored or prosecuted. RSF writes: “The country’s main daily is Rasmei Kampuchea, which adapts its coverage to government viewpoints. However, new publications provide some competition, including Nokorwat News and Nokor Thom, which try to find a place for themselves while carefully tending their relations with ruling circles. These newspapers operate alongside a bilingual Khmer/English press which, in the past, carried the message of democracy but succumbed to government attacks.”

In August 2022, the United Nations Office of the High Commissioner for Human Rights released a report based on interviews with 65 journalists in Cambodia. The report found that journalists were found to face increasing pressure, harassment, and violence. Of the 65 journalists, all indicated that they had faced some form of interference, while more

than 80 percent indicated that they had been subjected to surveillance and encountered problems with access to information. The report also found media ownership to be a major problem, with media concentrated in the hands of ruling party affiliates. The report concludes that the situation for media is part of the overall growing restrictions on civic space and freedoms in Cambodia.

Former RFA journalists Yeang Sothearin and Uon Chhin continue to face legal prosecution despite being initially arrested in 2017. They have been charged with espionage and face 15 years in prison. They lost several appeals, and in June 2022, the courts rejected Yeang Sothearin's appeal to have his passport returned. The arbitrariness of the court system has been laid bare by this case. The two journalists were initially held for nine months in pre-trial detention. In 2019 the courts announced that they would be re-tried for the crime. Then in 2020, the courts returned Uon Chhin's ID, but not Yeang Sothearin's, and in October 2022, the Supreme Court overturned the June 2022 ruling and decided to return it.

In January 2022, Los Seng, publisher of Los Seng News, was placed under court supervision, along with two other LSN reporters. They had attended a demonstration outside Kampot provincial hall protesting the arrest of residents involved in a land dispute, and the reporters took photos of the demonstration. The police released a report indicating four demonstrators had been arrested, and residents involved in the land dispute informed the journalists that one of the four was a four-year-old child. Although the four-year-old child and his mother had been taken to the police station, they were not subsequently placed under arrest. As a result of this reporting, two reporters were arrested and compelled to issue a public apology. Following that, the reporters were released but placed under court supervision, and Los Seng was also placed under court supervision after being questioned for incitement. Seng would not comment on the issue further, indicating he feared punishment for doing so. Previously, following the arrest of the reporters, Seng stated publicly: "When any report is a crime, where is the freedom of the journalist? They could use the Press Law but instead use their power against the journalist. Their action is to break the spirit of the journalist from daring to cover news in Kampot province." Provincial governor Mao Thonin instituted strict control over reporters

upon taking his post and ordered the provincial information department to increase control over journalists. He declared: “All news institutions that come to work in the province must go through the department’s review. They cannot just come to report exaggerations. Every night I listen, I almost get a headache — they cannot do this. Authorities work very hard and sometimes [people] believe [these journalists’] useless words that impact the honor and hard work of our leaders.” However, the Ministry of Information criticized the provincial government’s actions, as Minister Khieu Kanharith asserted: “If [journalists] take pictures in front of the provincial hall, why not let them take pictures? Arresting them is wrong, it is arbitrary. So our administration is also abusive. We do not understand. Or, as a provincial governor has said, wherever journalists go, they have to report to the authorities — it is not like this.” Executive director of the Cambodian Journalists Alliance, Nop Vy, characterized the court’s actions as threats against reporters and expressed criticism of authorities using the judiciary to control and punish journalists.

Another example of the challenges a journalist faces when working hard for little compensation to support public awareness and the public interest is found in the case of Sok Oudom, who received a 20-month sentence, and his conviction was upheld in Dec 28 after approximately more than one year in detention. The charges resulted from his coverage of a military land grab in Kamong Chhnang province. He interviewed locals who lost their land and livelihoods, with one interviewing societal rupture and conflicts resulting from land disputes. As a result of the dissemination of these valid concerns, Sok Oudom was charged and found guilty of incitement and sentenced to twenty months imprisonment. Moreover, the media outlet Rithysen News (news radio 99.75 FM) had its license revoked and closed down. The American Bar Association issued a report on the case in early 2022. The report finds the Cambodian Code of Criminal Procedure and Criminal Code Articles 495 and 494 to be problematically vague and that Article 495 should be changed to remove the prohibition of incitement to “disturb social security”. In another case, Try Sophal, who worked with the online news site ‘Every day’ faced an arrest warrant by the provincial court of Preah Vihear. The charges came following his filming of land clearing on state land. Following his reporting, he was beaten and accused of robbery. He took his case to the Anti-Corruption Unit and submitted a complaint to the

Court but did not obtain any redress. Another example occurred in August 2022, when five journalists from Voice of Democracy media and four environmental CSO Khmer Thavarak activists were arrested for reporting on land clearing within a wildlife sanctuary. They were accused of trespassing in a prohibited area. One reporter claimed to have been beaten by PM's Bodyguard Unit members.

At the end of 2022, independent journalist associations in six Southeast Asian countries formed a partnership to support freedom of the press in the region. The organizations included the Cambodian Journalists Alliance Association (CamboJA), Indonesia's Aliansi Jurnalis Independen (AJI), the National Union of Journalists of the Philippines, Malaysia's Gerakan Media Merdeka, the Journalism Association of Timor Leste and the Center for Independent Journalism (CIJ) in Malaysia. The organization's aim was mutual support, capacity-building, and information sharing in the context of increasing challenges from states and non-state agencies. In addition, the network will engage in coordinated fundraising, monitor journalist harassment and criminalization, provide training, and organize joint responses to respond to the repression of press freedom. According to rankings by Reporters Without Borders rankings: out of 180 countries evaluated, Malaysia is ranked 113th, Thailand is 115th, Indonesia 117th, Cambodia 142nd, Philippines' 147th, Myanmar is 176th, and Timor Leste is ranked 17th.

On the International Day of Universal Access to Information, 30 Civil Society Organizations organized an event that included 150 participants representing the government, civil society, indigenous communities, youth organizations, disabled person organizations, and political parties. The event's goal was to generate and publicize the united concern with the right to access information through the establishment of the Access to Information Law. The law has been drafted for some time but has yet to be passed. As noted by Lam Socheat, executive director of the Advocacy and Policy Institute (API), the law is needed: "to ensure that everyone has the right to request information from all public authorities, that provision of information will be rapid and comprehensive, and that there are no legal impediments to use the information obtained."

In May 2022, Freedom House ranked Cambodia with an Internet Freedom Score of 43/100 (resulting in its classification as party free). This score resulted from a combination

of findings regarding an obstacle to access (13/25); limits on content (18/35); violations of users' rights (12/40). It found that networks were not restricted, and social media was not blocked, but that websites were blocked, and users were arrested for online expression. Freedom House's assessment of the internet and online freedom in Cambodia has found that online activity is increasingly censored and threatened, as dissenting expression risks harassment and criminalization. Internet users were found too frequently to face arrests, which has generated a broad climate of fear resulting in self-censorship. Despite delays announced in February 2022, the RGC has proven determined to establish a single internet gateway that would ensure total surveillance and intensified censorship. Moreover, members of the former opposition party, the CNRP, and, more recently, the Candlelight Party, have faced monitoring and even imprisonment for online speech. As mass prosecutions of opposition party members continue, some face between 5 and 8 years imprisonment for online speech. A 2020 Oxford Internet Institute report found that the government employed coordinated teams to manipulate information on social media to support the government and denigrate critics. This is indicative of coordinated campaigns to disseminate pro-government messaging. For example, concerning the strike of Nagaworld workers, many clearly fabricated Facebooks accounts emerged which focused on verbally attacking and discrediting workers, and accused them of being part of a foreign plot to stage a color revolution. Moreover, the content removal process is not transparent, and there are no publicly available records. However, the government has put pressure on users, actively removed content, and revoked licenses of online media outlets.

In November 2022, the Cambodian Center for Human Rights released the results of its study on press freedom in the country. The NGO found no improvements in the condition of freedom of the press. In addition to repressive or delayed legislation, such as the long-awaited Law on Access to Information, intimidation, surveillance, threats, and judicial harassment were “used regularly to target those who dare to speak up,” with journalists and activists the main targets of the government, the new report said. From September 2021 to August 2022, 20 journalists were being prosecuted for ‘crimes’ related to their news coverage. During that same period, 13 human rights defenders were subjected to legal action, including 4 detained and 4 convicted. CCHR collected information through

interviews with 18 journalists and 5 human rights defenders, as well as using media coverage. Out of 18 journalists, 10 informed the NGO that legal prosecution for reporting was a severe threat to the freedom of the press in the country.

Moreover, “Journalists continued to struggle to access information held by public officials,” the NGO pointed out while referring to 20 legal judgments which occurred in the year prior with insufficient information made publicly available by the courts. Moreover, there was agreement that self-censorship has consistently increased in the face of government intimidation and persecution. In the year prior to the report’s release, the Ministry of Information had revoked the licenses of four media organizations, accusing them of unprofessionalism.

On February 13, 2023, in a serious blow to public accountability and a severe undermining of freedom of the press, the remaining primary source of independent news and information was shut down, denying the public a means to gain awareness of key issues ranging from land grabbing, corruption, and repression of civil society and the opposition political party. VOD News (Voice of Democracy News), which was operated by the NGO Cambodian Center for Independent Media. The ban on professional and independent news sites has further skewed public discourse toward government mouthpiece media such as Fresh News and Khmer Times and the currently operating Phnom Penh Post (following the change in ownership) and editorial and reporting staff of 2018). All of those media, among others, are known to publish articles lavishing praise on the rulers frequently, the ruling party (in what has de facto become a one-party state), and applauding the dynastic transfer of power from PM Hun Sen to his son. Those sources of media rarely, if ever, publish investigative reporting addressing key social, environmental, and political issues.

The case of VOD shows how the regime abusively applies the law, and biased rhetoric is employed to justify violence against regime critics, all while the powerful figures claim to be victimized. For example, VOD’s intolerable act was publishing an article that, in small part, relied on a quote from the Cambodian government spokesman. The rather innocuous article was about money donated from Cambodia to Turkey to aid the response to a recent earthquake. The government spokesman provided erroneous information to

the news agency, which resulted in the article stating that the donation funding was signed off by Hun Manet (PM's Hun Sen's eldest son and designated future PM of Cambodia). PM Hun Sen declared the news to be a great insult and defamatory act, and 'fake news'; however, the government spokesman responsible for sharing the news was not only not held accountable, but his role in the events was completely dropped from the discourse of political leaders and government-aligned media. Although the VOD report quoted the government spokesman precisely, Ministry of Information Secretary of State Pen Bona publicly asserted that Phay Siphon had never confirmed Hun Manet had signed off on the disaster relief aid. VOD was accused of fabricating that claim, although it is clear from the VOD article no such fabrication occurred.

The article quoted government spokesman Phay Sipan as saying, "it is not wrong for Hun Manet to play his father's role in providing aid to Turkey". Soon after publication, Hun Manet took to social media demanding VOD issue a retraction and provide proof of his involvement in the transfer of aid.. At the same time, no mention was made of the essential role of the government spokesman in the misunderstanding. The case provides a good example of the personalization of power in the Cambodian context and the arbitrariness of the law that results from it. PM Hun Sen followed with a social media post demanding VOD issue a public apology within 72 hours or lose their license. Despite that announcement, and a correction and letter of explanation to the PM by VOD, Hun Sen soon after announced that he had decided to "allow" the Ministry of Information to revoke VOD's license.

According to PM Hun Sen, despite the article being a piece on Cambodian disaster aid to a foreign country, VOD's true aim was to attack and undermine the government. He claimed: "This is not the first time, and this time is too serious. They intentionally attack both father and son and destroy the government; you are trying to destroy me; it should be enough." Moreover, following the closure of VOD, a vicious campaign of slander and violent rhetoric was unleashed on government-aligned social media, with many of the accounts appearing to be fake. The accounts propounded a narrative that VOD was a foreign agent provocateur and a tool of embassies seeking to overthrow the government and impose imperial interests on Cambodian society, coalescing around the hashtag

'#VODshithead'. The accounts shared cartoons of a figure which appeared to be the U.S. 'Uncle Sam' with a dialogue bubble stating, "You must adhere to the strategies I have established," while he painted a map of Cambodia with the words 'human rights' and 'democracy'. At the same time, in the cartoon, a group of what appeared to be racially Caucasian journalists in a dialogue bubble declared: "Each of us must follow our boss's instructions regarding fake reports. Our boss gives us money and protects us."

This discrediting campaign included misogynistic and harassing commentary about a female reporter at VOD by social media personality Pheng Vannak. A group of more than 40 civil society organizations issued a joint statement condemning the harassment, but PM Hun Sen dismissed their concerns and rejected requests that Pheng Vannak apologize. PM Hun Sen asserted: "These NGOs were established only to oppose the government and not to do anything to protect women's equality. When my sister [in-law] died, she was insulted, my wife was insulted, my family was insulted, but you [NGOs] did not come out to defend, so next time, don't talk about double standards with me." The only record of any incident to which the PM was referring was a statement by Sam Rainsy (former CNRP leader who now resides in exile) related to the sister-in-law of the PM following her death. However, there are no credible links between Sam Rainsy and VOD or any other CSO operating inside Cambodia. The only response to this harassment by any government body came in the form of a statement issued by the Ministry of Women's Affairs which was a formal statement declaring that NGOs should conduct their activities without "the application of biased standards", effectively blaming the advocates of the victim.

The perspective of professional civil society groups and democracy supporters is encapsulated by a statement from Chim Channeang, who serves as secretary general of the Cambodian NGO Committee on the Convention on the Elimination of All Forms of Discrimination Against Women: "The role of civil society organizations is that we work in line with the government, our job is to work together as a government partner, and our role is to monitor the government. For political parties, we do not interfere. It does not mean...doing daily activities to serve foreign interests and doing whatever the foreigner wants, we bring that money just to contribute to the government. It helps develop the country and benefit the poor or minority groups in our community." She also pointed out

that some government institutions also receive foreign donor funding. This commentary is worth quoting because it demonstrates a point of view that has been almost totally shut out of public discourse by way of a concerted government campaign of rhetoric aimed at undermining the credibility of civil society groups and independent media by portraying them as malicious external actors without any worthwhile contributions or concerns. The misogynistic harassment of the female reporter, which impacted both her reputation and mental well-being, were effectively excused by the authorities through their statements and lack of any redressing actions.

The situation of freedom of the press is further illustrated by a Phnom Penh Post article aimed at discrediting a journalist formerly employed at the Post named Mech Dara, after the BBC issued a piece explaining that Dara had resigned along with a slew of other journalists and editorial staff, following a change in Post ownership which impacted journalistic standards. The Post claimed the right to publish a piece rejecting the BBC's account of why Mech Dara had left the Post, despite the BBC reporting being based on Dara's own account. The Post's rejection included a section that vehemently attacked Dara and labelled him as a "coward", "mentally impacted," and as having "prominent personality flaws". Again, this demonstrates the double standards to which independent journalists are subjected—they are held personally and professionally responsible for (even criminally liable) for minor errors, even when not at fault, while being subjected to violent rhetoric and harassment to which the government authorities have no response.

An exemplary instance of the authoritarian doublespeak that now pervasively dominates in Cambodian public space, based on the characterization of all cases of organic social mobilization as externally controlled and as evidence of an external existential threat, PM Hun Sen asserted: "Foreigners have no right to order us to do this or that or whatever they want because it is our internal affairs. The shutdown of unethical radio [VOD], does not kill press freedom in Cambodia but the opposite: it will help implement the law and strengthen ethical journalism in Cambodia." The Ministry of Information issued a statement that asserted, "An administrative action against a rule-breaking entity does not merit any worry at all. What should be alarming is the mounting disinformation and international slanders. The Ministry accused critics of the government's decision of

propounding a “biased narrative [that] turned their blind eyes to the indisputable fact that the media center [VOD] grossly breached professional journalism.” Meanwhile, government mouthpiece media, such as The Khmer Times, which frequently republishes Chinese media editorials and has conducted an extensive public relations campaign supporting the dynastic succession in Cambodia, are deemed neutral and professional.

The RGC Ministry of Information statement asserted that VOD’s reporting had “harmed [the] honor and prestige of [the] Cambodian government, and evoked Article 10 of the Press Law, stating that VOD had reported with “malicious intent”. Article 10 of the Press Law holds that individuals who claim to be negatively affected by a factual error have the right to demand a retraction or a reply from the media organization responsible, while the publisher has seven days to respond. Minister of Information claimed that the closure of VOD was: “It is a lesson learned for other media institutions.” He held VOD at fault for not publishing a clarification, despite VOD doing so and issuing an apology letter to the PM. Minister of Information Khieu Kanharith said: “The media institutions that do not agree to publish clarifications, [they] will face the revocation of their licenses.” PM Hun Sen publicly claimed the closure of VOD improved journalism in Cambodia by punishing unprofessional news reporting.

The United Nations High Commissioner for Human Rights found that there was no legal justification for the closure of VOD: “the closure was not preceded by a thorough and transparent process as required under Cambodia’s own press law, and fails to meet the test of legality, necessity and proportionality that international human rights law requires for any permissible restriction on freedom of expression.” Reporters Without Borders issued a statement that reads, in part: “The closure of *VOD* and the harassment of a female *VOD* journalist undermine the government’s claims regarding respect for the free press in Cambodia and appear to reflect a failure to uphold the 1995 Law on the Press. The decision to revoke *VOD*’s media license before the July 2023 national elections represents a fresh wave of intimidation tactics against the country’s dwindling independent media that mirrors the 2017 closure of the *Cambodia Daily* and the 2018 sale of the *Phnom Penh Post*.” The case also demonstrates the characteristic combination of repression and co-optation utilized by the ruling party, as following the

coerced closure of VOD, as a way to diminish public criticism and appear benevolence, offered all those left without a livelihood a government position if they joined the ruling party. As of March 2023, the RGC reported that 25 former VOD staffers had done so.

In March 2023, not long after the closure of VOD news, the Ministry of Information canceled the media licenses of three more news organizations: the Federation of Cambodia-ASEAN Journalists, Raksmeay Kampong Cham, and Dumnong Knong Srok. The three media outlets on Thursday after they published reports exposing a senior government official's role in land fraud. According to a report published by all three media organizations, senior ruling CPP official Sar Chamrong, former deputy governor of Banteay Meanchey and current head of the National Assembly's Commission on Human Rights, allegedly forged documents to gain more than 60 hectares of land in Banteay Meanchey. Chea Lyheang, president and publisher of the Federation of Cambodia-ASEAN Journalists, said: "After seeing forged documents and thumbprints, I have published this formation, and Sar Chamrong has complained to the Information Ministry." Another article published in the three outlets revealed that a Takeo provincial deputy prosecutor had seized property from three families who bought it from Ratanakiri province and demanded they pay him money to get it back.

Chea Lyheand and Chea Saren, publisher of Dumnong Knong Srok, said the Ministry of Information contacted them and ordered them to remove the reports. However, this was denied by Information Ministry spokesperson Meas Sophorn, who said: "It isn't true," Sophorn said. "The decision to revoke licenses came because those media outlets have broadcasted disinformation with no verification of sources from relevant parties related to the information they have published, and they didn't make a correction to disinformation they had published." He argued that because the land dispute in Banteay Meanchey was resolved that the reporting on the issue was unnecessary, while also claiming it: "violated professional journalistic ethics...stated in the Press Law." However, the Press Law states that anybody who believes they have been subject to a false report damaging them may file a civil suit to resolve the matter in court. Nop Vy, executive director of the Cambodia Journalist Alliance Association, noted: "For me, I want to see a thorough investigation of the cases before closing [the publications]." The case demonstrated the common practice

of the Ministry censoring news, which is deemed to damage the reputation of ruling party officials.

In January 2022, Prime Minister Hun Sen highlighted what the RGC sees as the problem of fake news. The policy on fake demonstrates the difficulties that independent journalists and media face in Cambodia. On the one hand, concern for fake news is legitimate, but on the other hand, the moniker of fake news is used to denigrate and eliminate independent media, which addresses social problems such as repression of liberal pluralism, corruption, environmental degradation, and inequality. Cambodian authorities continue to enunciate a discourse consistent with liberal pluralism deviates from relevant norms in practice by punishing opposition and critique. On the one hand, PM Hun Sen asserted: “Journalists must continue to help in the fight against complacency, cheating, corruption, and injustice in society to build a clean and transparent Cambodia.” On the other hand, he asserted: “We must continue to destroy opportunists who seek personal gain by taking refuge under the label of the press as this undermines the prestige of the media. We must continue to participate in the fight against false information and misinformation in the national and international contexts.” He also claimed that fake news was a psychological warfare tactic used by “foreigners” to cause social unrest, political instability, social insecurity, and hostility between Cambodians.

Freedom House has found that the charge of ‘fake news’ has resulted in website blocks, removal of content, and the delicensing of media outlets. Thus, rather than improving the public space of discourse and debate and improving citizen critical thinking through discussion and debate, the prevailing approach has been policing and prosecution. Prior to the 2022 elections, National Election Committee secretary-general Tep Nytha addressed National Police chief General Neth Savoeun who serves as the head of the secretariat of the permanent security command for elections. The NEC head requested the police take action against anyone who damages public order and stressed the danger of fake news, the risk of incitement, and the potential for damage to Cambodia’s foreign relations. In an April workshop on fake news and press freedom, Pen Panha, the chairman of the Cambodian National Assembly’s Commission on Legislation and Justice, made clear how democratic standards are invoked but risk being misinterpreted in

practice where the political context does not tolerate freedom expression and dissent. He noted that Fake news and disinformation is intended to deceive and foment 'extreme opinions which undermine democracy and human rights. On October 1, the Ministry of Information announced that to that point in 2022, they had found approximately 500 cases of news that as inciting or insulting to the country's leaders.

In September, the Ministry of Information announced that from the beginning of 2020 to date, the RGC documented 4,657 cases of fake news, with 170 classified as 'serious'. On the basis of a 2020 inter-ministerial prakas (decree), RGC, to combat fake news, three ministries coordinate in this effort—the Ministry of Interior, the Ministry of Information, and the Ministry of Telecommunications and Posts. Again, the issue is how fake news, deemed a threat to the national interest and national interest and dignity, can be confounded with news critical of the government and how the label of fake news can be used to repress dissent. This is not to deny that fake news is an issue, along with the public capacity to distinguish fake news articles from legitimate journalism, as noted by Nop Vy, the director of the Cambodia Journalist Alliance. Part of the problem stems from government policy eliminating high -quality critical media, as exemplified in the closure of the Cambodia Daily, the change in ownership of the Phnom Penh post rendering the news organization aligned with the government, the lengthy ban on VOA and RFA, and the recent closure of the Voice of Democracy News. As a result, citizens are increasingly forced to turn to less reliable news to address issues of concern and interest, given that pro-government news sources do not effectively address those issues. The Ministry of Information announced that during the last five years, 2,154 licenses for media institutions were granted. Despite the challenges, supporters of democracy, including both citizens and donors, should continue their efforts to strengthen democratic accountability through media and journalism.

Targeting journalists and limiting media coverage of phenomena such as corruption, land grabbing, violence against peaceful demonstrators, and repression of the political opposition directly runs counter to the public interest and the stated aims of the government of a peaceful and prosperous society. It is impossible to hold those in power accountable for wrongdoings and societal injustices. As the media space in Cambodia

continues to decline, it is likely that such problems will only be exacerbated. As the United Nations Office of Human Rights stipulates: “The issue is of particular importance in the context of elections as a free press plays a vital role in ensuring that voters can inform themselves of the issues at stake in an election and that candidates standing for office can convey the message that they want to the electorate.”

Chapter III - Labor Rights, Freedom to Unionize, and Decent Working Conditions

The labor sector in Cambodia continues to suffer from repression of independent trade unions and worker mobilization as well as neglect of the needs of workers for their short-term and long-term well-being. Despite a host of strategies related to modernization and industry 4.0, there is no effective policy in place to improve worker capacities to meet the changing industry demands and compete internationally. Instead, the government has chosen to isolate independent unions and deter worker mobilization by using violence and rule by law to eliminate independent union activities.

Union busting has affected more than 20 worker groups this year. This mainly impacted workers in the garment sector but also affected agricultural workers with repression and harassment affecting on worker solidarity at a Thai durian factory and a Cambodian border town. Affected factories supplied garments for brands such as Puma, H&M, Adidas, Land's End, and Hunkemöller. It is reported that thousands of workers participated in demonstrations, and authorities frequently responded with violence. For example, in the case of the Nagaworld strike, discussed below, on New Year's Eve, peaceful protestors were confronted by more than 100 military police in riot gear and wielding batons (or in some cases armed with assault rifles). Workers were forcibly displaced, and 9 unionists were arrested. Affected factories included: Cinlon International, SYHI, New Mingda, Bright Flushing, Eastcrown, Canteran, Can Sports Shoe, Qi Ming Xin, Roo Hsing, Hung Wah, Y&W, Hong Sen, Sepia Garment, Hi-Tech Apparel, ML Intimate. Moreover, multiple cases (at least 7) of unions impeded from registration have been documented.

Three examples make clear the type of obstacles organized workers face: Bright Flushing Co.; ML Intimate Apparel; and Tao Pet Supplies. In the first case, the union submitted documents for registration on September 28, and on the same day, the company translator threatened staff at the labor rights organization Central. Two unknown

individuals attended Union elections on September 29, have the effect of intimidating workers, and two union members withdrew from the election. The union's treasurer was intimidated by three union members who formed an alternative union on September 29. The factory refused to acknowledge the election results on September 31. By November 1, six union members, including the president-elect, are coerced into signing resignation letters. Representatives from the brand Puma interviewed 10 union members, and all reported threats and intimidation. In the second case, elections to form the union were held on January 23, and the documents had to be submitted four separate times to the Ministry of Labor until August. On March 23, the union president was dismissed, subsequently rehired and then dismissed again on May 20. The vice president was dismissed on August 23. The Labor Ministry accepted the dismissals were valid and refused union registration on the basis that the union had no elected president. In the last case, union elections occurred on May 1 and were submitted to the Ministry of Labor on May 4, but had to be submitted three more times until September. The union's founding member was dismissed on May 20, its treasurer was dismissed on September 5, and another founding member was dismissed on September 19. Although registration was finally issued on September 21, the union secretary and another founding member were dismissed only two days later. Then on September 25, another founding member and six other workers were dismissed. Ultimately, on 28 October, the Ministry of Labor ruled all the dismissals were valid.

In 2022, this is most evident in the case of unionist Chhim Sithar and the Labor Rights Supported Union of Khmer Employees of Nagaworld (LRSU). On January 4, 2022, Chhim Sithar was violently apprehended and placed under arrest when arriving at a demonstration. This followed the arrest of 10 other unionists just days earlier and two more of the union's leaders later that day (Sok Narith and Sok Kongkea). In total, the United Nations reports that 29 striking workers were arrested. Many of those arrested were quickly charged with 'incitement to commit a felony' (a crime stipulated in Articles 494 and 495 of the Cambodian Criminal Code). The casino workers have been in a longstanding dispute with Nagaworld Casino since the dismissal of more than 1,300 workers in 2021.

Authorities immediately proceeded to declare the guilt of the arrested without offering any convincing evidence. Effectively, the prosecution, which began in the media that same day in the form of government pronouncements, claimed that boxes of bottled water, confiscated computers and phones, and the images found on an 'anonymous' social media account were proof that the unionists were attempting a 'color revolution'. Phnom Penh Deputy Police Chief, Hun Sothy, would claim that because the striking workers were supported by three NGOs, along with reference to alleged 'voicemail' discussing plans for the demonstration, it was sufficient proof of a crime in that the workers were being "incited to protest". Furthermore, Major General Bun Sosekha declared that a photo of Sithar and banned opposition figure Mu Sochua (currently in exile) was sufficient evidence that the union sought a color revolution and aimed "to attack and destroy Nagaworld completely." Deputy Prosecutor Seng Heang claimed to have discovered financial records about a transfer of 5,000 USD but did not provide any further details or evidence. He would proclaim: "We strictly implement the law due to its [the union's] wicked tricks and plans of those masterminds to cause turmoil to public order and disturb social security and get illegal sponsorship from foreign and local institutions."

Despite that, the strike had lasted for a long time, with the latest demonstration enduring for 17 days. It had been wholly peaceful, with the only violence resulting from the actions of authorities when arresting demonstrators. Members of the striking union made clear in public statements that the demonstration was the result of seeking a solution from authorities that had neglected their quality of life, and they were not compelled by anyone to demonstrate. Chhim Sithar started work at Nagaworld in 2007 and became actively involved in the union in 2009. While employed at Nagaworld and advocating for s' interests, Chhim Sithar had worked to get new mothers fully paid maternity leave instead of half pay, and successfully obtained additional insurance for workers and a refreshments area open 24 hours a day.

The employer, Nagaworld Casino, which is listed on the Hong Kong stock exchange and reports huge profits, refused to accept the decision of the Ministry of Labor and the Arbitration Council, which decided Nagaworld should pay compensation in accordance with the Labor Law. A total of 365 workers were dismissed. Following that, the Ministry

of Labor effectively recuses itself from further involvement in the case except for issuing recriminations of the striking workers. Ministry spokesperson Heng Sour accused the union in 2021 of seeking a color revolution in Cambodia.

Cambodia police spokesman San Sok Seyha issued a statement saying the arrests followed the Phnom Penh Municipal Court ruling, which declared the strike to be illegal. However, the Cambodian Constitution includes the right to strike and the right to freedom of expression, assembly, and association (as well as press and publication). Cambodian Labor law also guarantees the right to strike. Moreover, those rights are also protected in international human rights treaties to which Cambodia is a party. The government of Cambodia accepted the recommendation, issued in the course of its 2019 periodic review at the UN Human Rights Council that it would pledge to create a context where “civil society, including human rights defenders, can freely carry out their work without interference or hindrance.” UN experts opined: “the pattern and manner of these arrests after industrial action failed to be resolved quickly, appears to be an escalation of tactics used in previous cases in Cambodia over recent years and resulted in the wrongful imprisonment of human rights defenders.” The US Embassy also released a statement that pointed out that the criminal charge of ‘incitement to commit a felony by disturbing social order’ is a vague criterion that has been frequently employed to suppress and criminalize peaceful expression and assembly.

Additionally, 119 organizations (unions, NGOs, and community groups) issued a joint statement calling for the release of the arrested unionists and evoking the rightful existence of the union and mobilization of workers. Naly Pilorge of the human rights organization LICADHO, pointed out: “The violent arrest of peaceful unionists...shows the government has given up all pretense of respecting its own labor laws.” Moeun Tola of the labor rights group CENTRAL called for the release of those arrested and for the government to return to negotiations. Chak Sopheap of the rights NGO Cambodian Center for Human Rights asserted that the government should be finding solutions and not arresting people, and affirmed: “The government missed an opportunity to show that we are a democratic country, but we are authoritarian because we only use force...” Also, in 2020 several global clothing brands, including Adidas, Puma, and Levi-Strauss, issued

a joint letter to the Cambodian government urging the improvement of labor and human rights in Cambodia.

Chhim Sithar was released on bail in March after being held for 74 days in pre-trial detention. However, she was rearrested on November 26 upon returning from the International Trade Union Confederation World Conference in Australia. The Cambodian government declared that she was arrested for violating her terms of bail, which prohibit travel. However, not only was she allowed to leave the country by immigration and airport authorities, she was never actually informed of her terms of bail by the court. 69 civil society organizations stated that: “Neither Sithar nor her lawyers were informed of any bail conditions. Her lawyer’s request to view her case file, which would have contained such bail conditions, was never granted, in violation of the Code for Criminal Procedure. Punishing people for failing to follow secret and undisclosed rules is an injustice and inconsistent with basic principles of the rule of law.” Chhim Sithar and other unionists now face up to two years in jail if convicted.

As a further indication of the arbitrariness and discretion in the application of the law, the Ministry of Labor would continue negotiations with dismissed workers, despite ongoing prosecutions of those arrested, effectively admitting the rightful and legal claims for compensation that the striking workers were seeking at the time of the arrests. As of the end of November, according to the Ministry of Labor, 249 dismissed workers had accepted compensation payments per the labor law, while 124 continued to reject their dismissal.

The authorities also used violence against peaceful labor demonstrations on June 27 and August 11. Moreover, public health laws have been used to forcibly disrupt demonstrations and coercively put workers on buses and then subject them to detention in quarantine facilities. According to a Human Rights Watch report based on 30 interviews with independent unionists, the Cambodian government consistently enables employees to violate labor regulations. The report documents how independent unions face many obstacles when seeking to register, while government-aligned unions are rapidly approved. Also, the government and government-aligned unions did not take effective action to support workers during the pandemic when they faced financial insecurity, mass

relocation, and serious difficulties obtaining necessities such as food. According to the report, despite taking action in support of workers, the independent unions suffered from continually government repression.

Independent experts appointed by the Human Rights Council of the United Nations noted how Covid-19 measures were being abused in order to target unionists and undermine labor rights. The experts concluded: “There is a general inconsistency and lack of transparency in Cambodia’s COVID-19 protocols,” the experts said. “In this case, authorities appear to have dressed up efforts to stifle peaceful and lawful labour action as public health measures. There cannot be one rule for striking workers and another for the general public.”

In November, more than 180 ‘government-leaning’ unions accused two pro-worker labor rights groups of fomenting dissent among workers and unions and engaging in tactics that aim to split unions, undermining the solidarity of the workers in the labor movement. Many of the unions that issued the joint letter had leaders linked to the ruling party. The joint accusatory letters were issued to and directed at the Solidarity Center in Cambodia, which is run by the American labor rights group the American Center for International Labor Solidarity, to local labor rights NGO Central. Those two groups were accused of seeking to undermine both other unions’ and workers’ rights, and the letters announced that those two groups would be monitored. In addition, the letters allege that Central is offering workers monetary payment if they leave their unions. The letters were published in government-aligned media Fresh News, which often proffers unsubstantiated allegations against NGOs and opposition politicians.

The letters assert: “We are deeply disappointed to learn that ACILS has been trying to assist financially and technically to attract members from our organization and to establish a new one.” Government-affiliated and company-linked unions tend to dominate in conditions where freedom of association and assembly are heavily restricted. Simply trying to organize workers in support of their rights, and attracting workers based on real action aimed at supporting them, run the risk of being categorized as criminal and prosecuted through the rule-by-law judiciary in Cambodia. Notably, the letters were

issued a day after the Nagaworld labor leader Chhim Sithar was arrested, indicating a broader effort to quash independent labor solidarity.

Signatories to the letter include the National Union Alliance Chamber of Cambodia, formerly headed by Som Aun who now works at the Ministry of Labor and is a ruling party member. He often campaigned and organized workers in support of the ruling party. Other signatories include the Cambodian Federation of Independent Trade Union, headed by Tep Kimvannary, and the Cambodian Worker Labor Federation Union, led by Nguon He. Kimvannary and He's unions are under the umbrella of the Cambodia Confederation of Trade Union. The CCTU is headed by Chhuon Momthol, who is closely linked to the ruling party with the CPP and the Labor Ministry.

Solidarity Center director William Conklin, the director of the Solidarity Center, did not want to comment to the media. The group's presence and activities in Cambodia depend on an MoU with the government. However, a legal consultant with Central, Patrick Lee, asserted that the NGO had not engaged in the activities that it was accused of. He claimed the letters were part of an effort to draw attention away from the treatment of the Nagaworld demonstrators and union leaders. He also pointed out that under the Trade Union Law, workers have the right to leave a union and join another. He noted: "But if they are primarily concerned about losing membership, then perhaps they ought to look internally at why some of their members are dissatisfied." The spokesperson for the Ministry of Labor, Heng Sour, announced that if the accusations were true, then the two groups may have been involved in criminal acts. He warned workers and unions: "However, if all of the unions' statements are true, that could be illegal and discourage other unions from working with [the two NGOs]."

After several negotiations between factories and workers' representatives, the National Council on Minimum Wage (NCMW) decided to increase the minimum wage to 6 USD per month, making the monthly salary 200 USD, starting on 1 January 2023. Despite pressure and intimidation, union groups such as the FTUWKC, CCAWDU, and CUMW sought a monthly rate of 215 USD. Thus, the rate of 200 USD is not considered to be a living wage for workers. In 2021, prior to recent spikes in the inflation rate, the Anker

Research Institute and the Global Living Wage Coalition found that a monthly rate of 215 USD was needed for a living wage. Rapidly increasing prices of food and fuel is impacting workers' livelihoods, and unions hold that the recent increase of 6 USD per month is insufficient. According to Pav Sina, CUMW President, "The new minimum wage is not good enough to cushion the rising cost of living. The government must take measures to control inflation so that workers can survive on their wages. In addition, some workers' benefits have been reduced in the past three years, like the number of national holidays reduced from 22 days to six. The replacement leaves if a national holiday falls on a Sunday, removed."

In addition to the living wage problem, the manufacturing sector (primarily but not limited to garment production) is challenged by several combined factors: loss of access to markets with a duty-free status, low number of new orders by buyers; and factory shutdowns with corresponding layoffs. On the one hand, in 2022, the number of factories opening was more significant than in 2020 and 2021. On the other hand, some existing factories have announced closures or bankruptcy, resulting in many unemployed workers. According to the vice president of the Free Trade Union of Workers of the Kingdom of Cambodia (FTUWKC), Say Sokny, mass numbers of workers have voiced serious concerns about the hardships stemming from temporary or permanent factory closures and reduced hours. While the number of factories suspending operations temporarily still exceeds the number of factories closing, workers still feel the impact of their livelihoods. Say Sokny indicated that five factories, employing 10,789 workers, have suspended operations. Moreover, "15-to-20 percent of the total number of factories across the country that have been facing the problem of no orders."

Still, according to Heng Sour, secretary of state of the Ministry of Labour and Vocational Training, garment, textile, and footwear factories were operating in 2022, employing only 72,000 workers, while in 2021 191 factories were functioning, employing 71,000 workers. In 2022, 132 factories closed, resulting in 52,000 unemployed workers, and in 2021 164 factories shuttered, leaving 73,000 workers without employment. At the same time, in the fourth quarter alone of 2022, 146 factories suspended operations, affecting the livelihood of 90,000 workers. Only 30,000 new jobs were generated in the sector in 2022, although that was an increase from 2021.

According to the representative of the FTUWKC, several factors have combined to create a crisis condition for the sector: the loss of EBA (Everything But Arms) status with the EU; the loss of access to the US GSP (Generalized System of Preferences); the replacement of workers with rapidly advancing technology; and inflation along with reduced spending in importing countries. In addition, given that investors are profit-oriented, investments have declined or gone abroad to other countries. According to Say Sokny, owners may open multiple factories for different products, and when orders shift, they close some and open others. Ath Thorn, president of the Coalition of Cambodian Apparel Workers Democratic Union (C.CAWDU) noted that seasonal demand was a factor as certain factories produced goods that were only consumed seasonally, resulting in big shifts in orders for factories. He also pointed out that access to overtime has been absent from around 30 to 40 percent of the factories.

Cambodian exports in 2022 were valued at more than 10 billion USD. More than half of that was the result of productive labor in the garment sector (comprised of manufacturing of garments, footwear, and travel accessories). In all of those areas, according to the Cambodian Ministry of Commerce, there were increases in 2022 relative to 2021. More than 9 billion USD of the exports were garments, an increase of more than 1 billion USD, an increase of 13 percent. Footwear exports increased by 25 percent, with a value of 1.737 billion USD; exports of travel accessories rose 19 percent, with a value of 1.777 billion USD. Together they composed more than 57 percent of Cambodia's total exports, according to Vongsey Visoth, Deputy Prime Minister and Permanent Secretary of the Ministry of Economy and Finance. The includes approximately 1,100 factories and 1 million jobs for Cambodians (mostly women), but faces many challenges related to pandemic recovery and global recession, as indicated by a lack of new orders for 2023.

According to Ken Loo, Secretary General of the Textile Apparel, Footwear, and Travel Goods Association of Cambodia, orders in the sector have not recovered from cuts in 2022, and are likely to decline further in 2023. The sector is almost entirely dependent on exports to two markets, the US and the EU. Consumers' lower incomes and spending power in those markets are partly due to the conflict in Ukraine and inflation. At the same time, orders from the US increased in 2022, accounting for 44 percent of the sector's

exports. Ly Khun Thai, President of the Cambodian Footwear Association, noted that orders in the first 6 months of 2023 are expected to decline 30 percent relative to 2022 levels. The result will be more shuttered factories, suspended workers, and a reduction in working hours. The Vongsey Visoth, Permanent Secretary of the Ministry of Economy and Finance, noted that Cambodia's export fortunes are tied to the energy crisis in the EU. Preferential tariffs for Cambodia to export to the EU were removed on 12 August 2020, resulting in a 20 percent tariff. Still, despite that, exports from Cambodia to the EU have consistently increased since then. The garment, footwear, and travel goods industry is how Cambodia gets most of its foreign exchange income. As Ky Sereyvath, an economist with the Royal Academy of Cambodia noted, "The garment sector is a potential part of Cambodia. But it also sees challenges of competition that need to be addressed and requires attention from the government and private sector to keep the production chain in the garment sector."

Yang Sophorn, president of the Cambodian Alliance of Trade Union (CATU), asserted that unionists had limited capacity to aid workers left unemployed. The main focus is on sharing information of job announcements and information related to assistance provided by the Ministry of Labor and Vocational Training. However, he noted that the Ministry's National Employment Agency (NEA) seemed to have limited impact due to potential inactivity, insufficient skills of workers, and the time required to assist. He noted that the failure to have impactful policies resulted in a cost not only for workers but also for the government and economy, which must shoulder the burden of unemployment. Union leader Ath Thon said the problem is compounded by the overabundance of labor, which favors employers in bargaining for positions. As a result, factory owners can put higher demands on workers and select among workers to the detriment of those with fewer skills.

According to FTUWKC Vice President Say Sokny, factory owners and representatives are concerned about the 2023 national elections. They fear a repeat of the 2014 demonstrations with workers seeking a wage increase during the election campaign. She cited company statements: "They are afraid of a conflict happening again before the election. They still have trust issues about the possibility of riots. The factories were

worried about the progress of their production lines, such as duration and the amount of the work, and some even moved the orders to other countries.”

Say Sokny said that the key to solving the problem for workers entailed increasing democratic space in the name of the national interest. Broadening the democratic space and ending internal conflicts while prioritizing national interest is what can help solve the problem. Developed or donor states can provide the critical type of support such as healthcare assistance, pension support, and improved trade access for Cambodian exports. However, the key will be increasing democracy in Cambodia, which enables workers to organize better and have an impact on policy to ensure adequate attention to worker's rights and capacity building. Given that the EU requirements for improved democratization have not been met, it is unlikely that EBA status will be restored. Moreover, according to the unionist, “The increasing number of trade unionists and civil society organizations, compared to before, has only helped a little in the process because not every organization is brave enough to express themselves on the matter.” She affirmed that ending the context of internal political repression would bring “true peace” and that “improving the democratic space will help ease the situation.”

Construction workers and those involved in the informal economy are at risk of abusive employers and government repression, as they do not enjoy the benefits and protections of those engaged in the garment sector. Despite the repressive tactics of government authorities and the disregard for the laws by employers in the garment sector, unionization of the garment sector remains the best area of protection for workers' rights in Cambodia. This is due to the requirements of significant export destination countries, namely the US and EU, which were essential to forming the garment sector's development in the early 2000s. Unions are rare or nonexistent in financial sectors, the private education sector, sales and marketing, media, and other areas of skilled employment. However, international businesses tend to adhere to the standards of the countries of their headquarters, and national businesses tend to respect human resources standards if the skill and pay level of the workers is sufficiently high. However, contracts often give employers discretion over dismissals with little or no evidence the need for alleged infractions. In the informal economy, market forces are the driving factor.

According to Sou Chhlonh, vice president of the BWTUC (Building and Wood Workers Trade Union Federation of Cambodia), workers have much less opportunity of forming a union. Workers are also prevented from solidarity, decent working conditions, and labor rights, through layers of contractors and subcontractors. In one example, Chum Makara's husband was injured on a construction site, leaving him unable to work. Although union reps informed her that she was entitled to compensation and benefits, she could not obtain union membership because she is not directly employed with the development the union is linked to (Borey Lim Chheanghak), and was hired by a subcontractor. The membership of the BWTUC is approximately 8,000 workers from the sectors of construction, building materials, and brick and cement workers. However, increasing membership is limited by the subcontractors' layers, making it very difficult for workers to join. The employers frequently do not even establish legal companies. In brick factories, the situation is even worse, as workers are indebted and must toil to make payments on initial loans made by factory owners.

Fifteen percent of GDP results from the construction and real estate sectors. The sector employs approximately 250,000 workers, and in 2022 the RGC approved 4,276 with an estimated value of 3 billion USD. However, as of March 2022, only 465 operations had registered workers with the national social security (NSSF), accounting for 32,273 workers. In addition, the International Labor Organization estimates that every year more than 1,500 workers are killed on the job, and this is mostly in construction, brick kilns, or smaller operations where there is either a lack of will, knowledge, or established mechanisms to instruct and aid workers in obtaining those protections.

Many building projects are undertaken by foreign construction conglomerates such as the French company Vinci and the Chinese company National Heavy Machinery Corporation. Despite being informed by the BWTUC about the potential benefits and protections, workers are rebuffed when they broach the subject with employers. The continual need for access to income for livelihoods and the lack of employment opportunities empower employers and render workers subservient. Labor Ministry officials tend to be apathetic towards the needs of workers, incredibly expressing a lack of awareness that workers were not included in the national social security scheme (NSSF), but also informed media

that they are aware of challenges faced by workers in the construction sector. There is a breakdown of the inspection system for construction sites, with 332 construction inspectors covering building projects for the whole country. Other programs which impact the garment sector, such as the ILO's Better Work program, have not been extended to other employment sectors. Construction workers thus face wages below the 'living wage', lack of protections, and severe safety risks. Workers move locations often, work is seasonal, and worksite access is limited, especially for brick factories. Despite the BWTUC being involved in bringing to light child labor and debt bondage in brick factories, the debt servitude processes in those worksites are still opaque. Often the BWTUC cannot establish a union due to the working conditions and insufficient government support, so they are limited to trying to educate workers and raise awareness.

The BWTUC is affiliated with the Cambodian Labor Federation and seven other unions. The CLC president, Ath Thorn, indicates that the group focuses on educating labor leaders and unionists on their rights and improving their capacity to defend demonstrators and organizers. The CLC membership declined by 50 percent during the pandemic because of the inability of workers to pay dues. In addition to workers' financial struggles, Ath Thorn notes an increasingly repressive political climate. Some union supporters, such as Khun Tharo of Central, argued that organizations such as the CLC should emphasize pressuring the government to comply with labor laws.

Without remedies for the unemployment situation, unionists have noted, workers have two options: to go abroad, which often puts workers in a precarious position as they may be compelled to labor illegally and have limited access to government institutions in foreign countries, or, to join the informal economy in Cambodia.

Chapter IV – Electoral Freedom and Fairness

The Candlelight Party emerged as the newest manifestation of the political opposition in Cambodia, given the incapacity or insincerity of many registered parties, some of which seem to be fabricated to maintain a strategically crafted appearance of liberal pluralism. The Candlelight Party has taken on the mantle of the former opposition CNRP as the primary or sole challenger to the ruling CPP. The ruling party's response has been to treat the newly formed opposition party as a serious threat. National commune council elections took place on June 5, 2022. Commune elections are essential for obtaining a modicum of democracy in Cambodia as it is on the local level where government accountability manifests and where citizens are more likely to get involved and able to view election results as directly tied to their interests and livelihood prospects. For this reason, the 2017 elections were such an important poll, with the opposition party taking 500 seats (compared to 1,100) for the ruling party—although all the seats were then taken by the ruling party coercively when the opposition party was banned. Notably, CNRP commune councilors reported cooperative working practices with ruling party councilor colleagues following the 2017 election. However, it is in light of the 2017 ban that current prospects for democratic elections must be interpreted as gains by the opposition party will not be challenged electorally, but rather based on past evidence, the ruling party will exercise authoritarian force to control the electoral field while maintaining the electoral process devoid of genuine liberal pluralism to perpetuate a pretense of democracy.

Prior to June 5, 2022, vote, the ruling party controlled almost all of the nation's 1,652 communes. In the prior commune council elections, the opposition CNRP (Cambodia National Rescue Party) obtained 40 percent of commune seats across the country. Following that election and before the National Assembly elections the following year. The ruling party eliminated the competition by having the opposition deemed illegal. More than 100 opposition party leaders and supporters have been arrested and prosecuted, with a much larger number experiencing harassment and intimidation. Although dismissed by ruling party spokesman Sok Eysan as a "piece of broken glass", and despite

the legal and bureaucratic obstacles ensuring asymmetry between parties, the Candlelight Party was able to demonstrate the capacity for mass appeal and the continuing hunger on the part of the populace for a more democratic and accountable government. In addition, the party campaigned on social justice issues, such as challenging land grabbing and corruption. Seriously detrimental to free and fair elections, preceding the courts had summoned the polls 22 different Candlelight Party members, and 7 more had been placed under arrest.

The Candlelight Party was able to advance candidacies in 90 percent of the communes in the country. It has drawn on the strength of the former CNRP organizational structure, membership, and legitimacy despite the two former leaders of the CNRP being barred from politics (with Sam Rainsy in exile and Kem Sokha being prosecuted for treason). As a journalist and political analyst, Sebastian Strangio pointed out: “For the CPP, political survival comes first, and the Candlelight Party poses a serious threat to Hun Sen’s camp will be the moment that this party, too, finds itself banned or pressured into submission.” Even prior to the June elections, party deputy Son Chhay was deemed to hold his position illegally by the Ministry of Interior, and 24 complaints were filed. Although the party faced bureaucratic obstacles to registering candidates for the election, the ruling party spokesman labelled the complaints baseless, claiming that the opposition has not registered complaints with the National Election Committee.

Moreover, he defended the ruling party practice of handing out gifts and money during election periods as legitimate. The National Election Committee contains no members from an opposition party. One problem for the Candlelight party is the remaining rift between supporters of former CNRP leader Sam Rainsy and supporters of former leader Kem Sokha. Kem Sokha has publicly criticized the Candlelight party for participating in the elections, and his daughter Kem Monovithya accused the party of playing into the hands of PM Hun Sen. Referring to the 2017 ban on the opposition, Phil Robertson of Human Rights Watch asserted that the ruling party: “decided to destroy Cambodian democracy by fabricating a bogus, politically motivated case to ban the CNRP...returning to their tried and true methods of intimidation and violence to hold on to power.” Assessing the prospects of the 2022 elections prior to the vote, Astrid Norén Nilson

argued that because former CNRP officials lead different opposition parties, the extent of competition in the 2022 vote was hard to assess. However, Robertson asserted: “it’s likely that the 2022 election will be a charade of democracy without the real possibility of the ruling party having their power challenged in any way.”

According to the NEC, 82,786 candidates from 17 political parties contested seats. The ruling Cambodian People's Party (CPP) fielded candidates in all 1,652 communes, the Candlelight Party contested in 1,632 communes and FUNCINPEC in 688 communes. Other parties could not contest a significant scope of the field. The political parties which took part included: Beehive Social Democratic Party; Cambodia Reform Party; Cambodian Democratic Indigenous People's Party; Cambodian Nation Love Party; Cambodian Nationality Party; Cambodian People's Party; Cambodian Youth Party; Candlelight Party; FUNCINPEC; Grassroots Democratic Party; Kampucheaniyum Party; Khmer Economic Development Party; Khmer National United Party; Khmer United Party; Khmer Will Party; Reaksmeay Khemara Party. The NEC expended 60 million USD on the elections, which was 10 million less than what was budgeted, at the cost of approximately 6 USD per voter. Notably, 70 million was allocated for the election in the budget. The NEC said that the savings stemmed from the reduced cost of election materials. Notably, the additional 10 million USD were not used to better inform the public of the election law and the principles of free and fair elections.

Electoral results, preliminarily released by the NEC on June 7, with official results being publicized on June 24, included the ruling party taking more than 9,376 of the 11,622 total seats and obtaining 1,648 of 1,652 commune chief posts. At the time the polls closed, voter turnout stood at 77.91 percent, with approximately 9.2 million voters registered, although later, the NEC released the figure of 80.32 percent. The Candlelight party obtained only four commune chief posts but won 2,198 commune council seats. (Note that in Cambodian communes, ‘sub-districts’ of ‘sub-counties’, the proportionate party list determines the composition of the council, and the majority party selects the commune chief). Nine out of 17 parties obtained at least one seat. Other seat winners included: FUNCINPEC (19 seats); Grassroots Democracy Party (6 seats); Cambodian Nation Love Party (5 seats); Cambodian Youth Party (3 seats); Kampucheaniyum Party (1 seat); and

Beehive Social Democratic Party (1 seat). According to the NEC, out of 7,398,427 ballots, 157,390 were judged to be invalid.

However, the decline in voter turnout compared to the last election is notable. For the prior commune council elections, voter turnout reached 90.37%, while for this election, it decreased to 80.32% (note that on three occasions, the NEC released three different turnout figures). The high rate of voter turnout is likely a reflection of the fact that Cambodians generally consider voting a civic duty and continue to support the concept of electoral accountability. However, the decline may reflect a changed perception of electoral fairness and impact. The total number of communes with only one political party holding all commune council seats is 231 won by the CPP. Pursat province has up to 25 communes, followed by Ratanakkiri province with 21 communes and Kandal and Monduliri provinces with 16 communes each. Importantly,

According to official NEC documents, there were 24 communes where the ruling CPP ran unopposed. Eight of these communes were in Phnom Penh, seven were in Pursat province, two were in Kampong Cham, and one was in each of the provinces of Koh Kong, Monduliri, Preah Vihear, and Svay Rieng. The eight communes in Phnom Penh included: Boeng Trabek, Mittapheap, Monorom, O'Russe I, O'Russe II, Phsar Depot I, Phsar Doeum Kor, and Toul Svay Prey I. In the 2017 election, the ruling party won six of the eight communes, but the margin of victory was very slight; as of the total votes for the eight communes, the CPP obtained 18,541 votes, and the CNRP obtained 18,492. Opposition parties noted this was a sign of irregularities in the electoral process. For citizens, it was indicative of a lack of full democratic rights. For ruling party incumbents, it meant an easy campaign with little outreach efforts needed. For example, Pov Samoch, commune chief of Phnom Penh's Phsar Depot I in Phnom Penh, admitted doing little campaigning. She stated: "We don't need to campaign much...We've invited people to go vote, even though there's only one party, to express their opinions." She claimed that other parties could not find sufficient candidates, but that claim has been disputed by the Candlelight Party, which recounts candidates being rejected by local election committees and the NEC.

Media interviews with affected citizens are instructive in that they show their concerns with citizens with elections in Cambodia. In the commune of O'Russei II, citizen Yim Chean said: "I feel disappointed because we don't have options to choose from — there's only one. If there were two, could we consider: this one or that one? I don't want to have only one because, as a citizen, we should have the right to choose." In the commune of Phsar Depot I, citizen Sou Chanthy said: "I want to know about other new candidates and what they discuss, but I've seen only the CPP." However, she also said that competition is not desirable as it creates turmoil in the country, which affects the price of goods. She also said that she did not want to comment anymore, hesitating in expressing herself related to politics: "When we have many ideas, we make more mistakes." In the commune of Boeng Trabek, citizen Hang Sophy asserted that she was not concerned with the election because she was preoccupied with ensuring a livelihood for her family: "What I care about is earning income for my children. Let them decide." In the Dambe district of Tbong Khum province, villages affected by a land dispute indicated they would vote for councilors that would help them secure their livelihoods. 2,200 hectares that locals had been farming were occupied by the Chinese company Harmony Investment which provided households with only 500 USD for the loss of their land. Hoeun Sineath was imprisoned for destroying machinery after a protest in 2020, and his wife Sim Varn indicated that the family could barely pay electricity bills, food costs, and school fees. He asserted: "I will vote to support whoever provides us with good service." She pointed out that existing councilors "discriminated and were nepotistic."

Prach Chan, NEC chairman, rejected Candlelight party concerns, claiming that it was valid not to allow public observation and that party agents and observers were allowed to monitor the process. However, the rights NGO LICADHO found irregularities in the process related to restricting observation of polling stations during ballot counting and intimidation/harassment of opposition party representatives. The Candlelight party categorized the elections as systematically biased and labelled the NEC as insufficiently independent from the ruling party but announced it would accept the results. An observer from the Cambodian Women for Peace and Development (CWPD), Sin Channy, characterized the process as expedient for individual voters who were accustomed to the

process with assistance provided by onsite CSOs. She asserted: “Voters came out of their own free will; no one had forced them to. There was no protest, argument, or violence.” Factory workers were given two days paid leave in order to participate in the elections. Former opposition party (CNRP) leader Kem Sokha abstained from voting. “If Kem Sokha goes to vote, it will mean that he accepted that the dissolution of the CNRP was legal ... and the government might say they are right in imprisoning Kem Sokha,” Sokha ally Meach Sovannara said.

22% of elected councilors were women (2,562 out of 11,622). Of the 1,652 commune chiefs, 173 (approximately 10 percent) are women. This was an increase of 32 and a change from 8% in 2017 to 10% in 2022. Ruling party spokesman Chhim Phal Virun rejected the concerns of NGOs and the claim that the number of female candidates or councilors mattered. He claimed that only the ‘gender promoting policies’ of parties were important. He stated: “The registration of women or men as candidates, or the number of women — it is the party’s internal affairs.” However, Sonket Sereyleak, education, and gender coordinator of election monitoring NGO Comfrel, said there remains a problematic gender inequality in senior political positions.

Prime Minister Hun Sen, also president of the ruling Cambodian People’s Party (CPP), articulated his party’s platform on May 21. He stated: “The CPP and I are committed to effectively enforcing our policies; maintaining peace, security, order, and safety within society; improving public services; increasing social security for the poor and the vulnerable; developing all communes in all regions and being responsive to the wishes and interests of all community members.” However, characteristic of the longtime combination of liberal democratic rhetoric with the use of force, he also asserted: “I call on all people to maintain their dignity and to never resort to violence or intimidation. Our country has had too many difficulties— more than enough. So we’ll compete with each other based on our policies rather than with insults. I’m not too bad at insults, but if you want to take me on, mine will hit you back like lightning strikes.” Added that Cambodia has sufficient experience with elections and that the rights of people to decide were enshrined in law and respected, asserting that no person or organization should ‘lecture’ the kingdom.

The ruling party has focused on garnering support from the youth, reflecting Cambodia's demographic trends and past youth tendency to support the opposition party. On 15 May, a ceremony was held by the CPP to announce 1,587 new members. Presiding over the ceremony was Om Yienteng, a member of the party's central committee and head of the Anti-corruption Unit (which headed the 2015 investigation into Kem Sokha's alleged extramarital affair). Over a few weeks, between 10 and 20 thousand new members were estimated to be inducted into the party. Om Yentieng stated: "The Cambodian People's Party always thinks of the youth and new blood. There is a continuing acceptance of new blood, with high consideration for the youth; the acceptance of new blood is a special point of the CPP." He also urged support for Hun Manet to succeed Hun Sen as PM. The party's Central Committee unanimously elected Hun Manet in December to be the party's choice for the next PM. Hun Manet serves as deputy commander-in-chief of the Royal Cambodian Armed Forces and head of the ruling party's youth wing.

The Candlelight Party set out a seven-point platform: "respect for people's rights and powers; non-discrimination in public service provision; strengthening of community safety; local economic development; the provision of loan counseling services to debtors; healthcare services and education." Grassroots Democracy Party set out a five-point platform: "economy, health, education, social affairs, and public services." The Cambodian Youth Party, led by Pich Sros, indicated that the party planned to hold monthly meetings to connect voters with elected officials so that issues could be raised and requests could be made directly. According to NEC spokesman Hang Puthea, the Committee found: "In general, there has been good cooperation from local authorities, NEC officials, and the political parties. The campaign went smoothly, without violence or any other problems related to security and safety. There was good public order, and there was no notable chaos."

Prior to the election, the Ministry of Interior, and Deputy Prime Minister, Sar Kheng warned the public against illegal propaganda that would disrupt the election. Following the election, he announced that elected councilors must compromise and cooperate for the good of local government and communities. He asserted that open discussion would demonstrate to the populace that officials serve the people rather than individual parties.

He also emphasized the importance that community members with different points of view do not treat one another as enemies and learn to live with pluralism and multi-party democracy. As well he pointed out that the absence of violence and insecurity during the election provided a good example of democracy in Cambodian society. Moeun Tola of the Central labor rights NGO, indicated his agreement that councilors should work for the voters rather than for the parties and stated: “It is very necessary that commune councillors – no matter which party they are from – work together because they are not representing their party anymore. They are now the representatives of the people who voted for them.” Additionally, NEC spokesman Som Sorida proffered that: “Commune councillors must maintain their neutrality when they are in their elected offices during the five-year mandate.” The commune chief of Teuk La’ak commune (in Phnom Penh) claimed: “It is actually very good to have two parties working together. If we work alone, we may not see whether our job performance is good or bad. If there are councillors from other parties, they can see our shortcomings and point them out, and we can make changes accordingly.” These statements are grounds for some optimism regarding the potential for real gains in democratic pluralism and accountability, but the actual test of time will be whether officials abide by these declarations in practice.

As David Hutt, a journalist and political analyst, argued in *The Diplomat*: “...the Candlelight Party’s tally on Sunday was closer to what the SRP achieved in 2012. Why it matters is that more than a fifth of voters, despite the intimidation and the Candlelight Party only reforming last October, voted for it. And let’s be clear: the popular vote is what actually matters. The Candlelight Party could have won 50 commune chiefs but they wouldn’t have had any real power because the authorities will greatly constrain them. And one cannot have it both ways: either Cambodia is a repressive state where all opposition is suffocated, or it isn’t. If the former is true, then the number of commune chiefs the Candlelight Party won is irrelevant. What matters is the number of voters who showed up and chose the opposition party.”

Already by February 2022, there were reports of the opposition party (Candlelight Party) activities being blocked at the local level. CP acting president Thach Setha said that local authorities had prevented gatherings and the installation of banners. He noted that the

party was challenged to reactivate after the 5-year ban on many of its members and legal prosecutions. Also: “The challenge is that in some communes, we have already prepared candidates, but local authorities from the ruling party have threatened to stop them from standing for our party or exchanging non-candidates for money, making it difficult for us. For example, in a commune with 11 seats, we had to prepare 22 full and reserve candidates, but two or three days later, they were called by the commune chiefs, district or provincial officials for questioning, and then they suddenly resigned... so we have to recruit candidates.”

Despite being legal and having permission from the Ministry of Interior, the Ministry’s spokesman, General Khieu Sopheak, blamed on the opposition party. He asserted that they needed permission from local authorities for their activities. This followed: 1) Interior Sar Kheng Minister making a national announcement that parties’ activities should not be blocked, in accordance with the election law and the principles of fair elections; 2) a public speech by PM Hun Sen in which he stated: “Not only the ruling party has the right to raise banners, but other parties also have the right to raise banners like us. We can meet in public places. So other parties can also meet.” However, following the reports of hindrances, ruling party spokesman Sok Eysan stated: “In each commune, it is not possible for outsiders to come and act foolishly. You did not follow the law. You just registered with the Interior Ministry.”

In April, the NEC removed 150 Candlelight Party candidates from the list of those running for the 2022 elections. It was alleged that ‘some’ of the candidates had not filled out the forms themselves, proving their ineligibility. After meeting with Son Chhay, of the Candlelight Party, the NEC agreed to a procedure change wherein it would meet with affected parties before removing their candidates from the list. Chhay said that the NEC had agreed to allow parties to appeal decisions before permanently deleting individual candidates. He stated: “[T]he NEC might change the law, letting us make clarifications before deleting people. They will need to give an exact reason (for removing anyone)...and political parties can submit a new list.” NEC spokesman Hang Puthea publicly announced: “Next time, we will involve all stakeholders if we decide to make

changes (to the list).” However, the agreed change did not affect the 150 candidates deleted from contesting in the 2022 elections.

Phouk Kim and Mao Chamnan, Candlelight Party members in Prek Liep, said local officials requested them to attend a meeting and then took them to the NEC office in Phnom Penh where election officials instructed them to sign and thumbprint pre-prepared complaints against the Candlelight Party. Kim explains that she signed the complaint under pressure and was given gifts (19,000 Khmer Riels, a sack of 25-30 kgs rice, one case of noodles, one can of fish sauce), and some milk). They told the media that she didn’t want the gifts or sign, but did so because feared angering the officials. Mao Chamnan said that he signed the complaint to avoid getting in trouble and received the same gifts. He noted that the complaint stipulated that Candlelight Party had compelled him to join the Candlelight Party against his will, that he was illiterate, and that the Party had promised him IDPoor (a kind of welfare fund) benefits payments for joining. He asserted that the issues listed in the complaint were not factual.

In May 2022, candidates for commune chief from the Candlelight party were ordered to court based on complaints and lawsuits. In one case, six ruling party lawyers alleged that the Candlelight party candidate for council chief in Stung Ven commune of Koh Kong province had committed defamation, incitement to commit a felony, document forging, and election violations. Despite the litany of allegations, no details were included in the complaint regarding the crime. In another case, in the O’Adoung commune of Pailin province, opposition candidate Mony Kosal was alleged to commit incitement when publicly criticizing the operations of a pandemic-related quarantine center and the response of officials in March 2021. The two requested delays to obtain representation or to view the case files. Mony Kosal had met with UN Human Rights officials and told media: “I am worried about my safety; I am feeling suppressed and restricted in my political activity,” he said.

The ruling Cambodian People’s Party (CPP) filed three complaints against the Candlelight Party in Pailin town for using “inappropriate words” in contravention of Article 71 of the law on commune council elections, according to the National Election Committee (NEC). According to Article 71 of the law, candidates, and parties are prohibited from acts of

violence or threats against any party, candidate, or member of the public. As well it prohibits incitement to break the law or to threaten. Vaguely, it also bans speech that entails “speaking ill or using immoral words, insults or threats”, as well as persuading voters to swear allegiance or support for a party or candidate.

Before the election, Candlelight vice-president Son Chhay announced that authorities in Kandal province had prevented the party from campaigning there on May 22. In Phnom Penh, campaign activities at two separate locations (Mao Tse-tung and Kampuchea Krom Boulevard) were barred. He also contended that the NEC had not remained neutral in terms of its assessments of rally sizes, as Candlelight rallies had tens of thousands of people but were estimated by the NEC only to have 1,500, and CPP rally sizes were inflated with estimates of 40,000. On election day, Pech Bunny, head of the Candlelight Party working group for Ang Snuol district in Kandal province, was arrested after allegedly stealing bags. The only grounds for the arrest were that he was wearing a black shirt, which was part of the suspect's description. When detained and searched, he was found to have an expired press card (which he had not to attempt to use), which resulted from his former association with a media organization. After which, he was accused of using false press credentials. Bunny told the media: “I think it is an intention to disturb the feeling in voting. We are worried about the pressure. It makes our members who are working feel scared.”

Before mid-May, at least 300 commune council candidates from different opposition parties were removed from the candidate list by the NEC (including the Candlelight Party, the Khmer Will Party, and the Beehive Social Democratic Party). They were alleged to forge thumbprints of lies about their qualifications or biography. The Ministry of Interior accuses the National Heart Party of receiving funding from exiled former opposition leader Sam Rainsy, and it was barred from contesting in the elections. The party's founder Seam Pluk was detained, accused of forging documents for the party's registration. At least 5 Candlelight Party candidates were imprisoned prior to the official election campaign. Others were pressured into withdrawing from contesting and faced legal prosecution. Suspicious politically motivated killing of the Candlelight Party's vice-chief for Phnom Penh's Chhbar Ampov district, Choeun Sarim, was murdered, and many

suspect it was politically motivated. However, the police did not solve the murder or charge suspects for the crime. More than 60 political prisoners were being held in pre-trial detention. Activists for social, labor, or environmental issues face legal prosecution and imprisonment.

Following the commune council elections in early June, police in Battambang province arrested Candlelight Party activist Ley Sokhon. Sokhon had recorded a video of the village's ruling party officials verifying villagers' names and recording whether or not they had voted. In the video, the officials confirm that they are organizing people to vote, despite contravening election regulations. The prosecutor ordered Sokhon's arrest, but the prosecutor's spokesman would not provide media with information regarding the charges.

The United Nations Office of the High Commissioner for Human Rights noted that the election occurred in a condition of "threats, intimidation, and obstruction targeting opposition candidates. It pointed out: "Candidates have faced numerous restrictions and reprisals that have hindered their activities, with imprisonment of a number of candidates that appears designed to curb political campaigning," the agency said. It added that at least six opposition candidates and activists were detained four days before the polls, awaiting trial, while others summonsed on politically motivated charges had gone into hiding." Preceding the elections in June 2022, opposition party activists and supporters were subjected to intense intimidation and harassment, including having their residences stoned, beatings. In one situation, men who were never identified or apprehended were hit and struck on their heads with metal pipes.

As of June 9, the National Election Committee (NEC) said it welcomes discussion with all parties related to election regularities. On June 8, the Grassroots Democracy Party communicated that cooperative parties should meet to share information and concerns related to irregularities. Candlelight party vice-president Thack Setha indicated his willingness to participate in such collaboration. He asserted: "NEC needs to accept the facts of what happened in the elections and correct some of these issues. Not only that, the NEC's leadership capability also needs to be adjusted to make the elections fair. We

see that NEC only modified the technical aspects, but the composition remains the same.” Likewise, Out Chanrath, the leader of the Cambodia Reform Party, asserted: “If NEC is really open and accepting of feedback, it will be good for them to hold the next mandate elections. But what is important for the NEC at this time is that I see that the leadership are all from one political party.” Yang Kim Eng, president of the People’s Centre for Development and Peace who also participated as an election observer, said “I think it is good if the political parties are united. If there is a problem and an obstacle in the election process, vote counting, or during the election campaign, then there must be a solution. If all of these problems are solved, the election’s organization would be more trusted.” However, the ruling party spokesman said that irregularities allegations lacked evidence and declared: “They accuse the NEC of being biased in favor of the ruling party. Where is that bias? NEC followed the law and was formed by the law as well. We don’t know what to do if they can’t accept their defeat.” Despite the fact that the election took place in the context of mass trials, prosecuting and imprisoning multitudes of opposition party members, as well as new charges against Candlelight Party leadership following the election, the ruling CPP released a statement following the election which declared the elections to be free and fair and to be evidence of: “neutrality, security and order, and no violence and threats.” The ruling party rejected all election election-day irregularities and voter or candidate intimidation claims.

However, on 13 June 2022, the NEC announced it would take legal action against critics of the body of the election process. By June 16, the committee requested an investigation and prosecution of a Cambodian American named Kim Chanratana for posting on social media under the account name ‘Sam Rainsy’s Heroism’. The NEC contended that the social media posts were undermining democracy in Cambodia. Committee member Dim Sovannarom claimed that the social media account published a song on June 14 entitled “Phkay Reah Kandal Thngai Trong,” which defamed the NEC and undermined its ability to ensure free and fair elections. Sovannaron stated: “We cannot accept this post and emphatically condemn people who act with bad intent to serve their own interests and ambitions.” The NEC said an investigation should ensue in accordance with Article 171 of the Commune Council Election Law, and the investigation was necessary for the

'independence, neutrality, and transparency' of the committee. Moeun Tola, executive director of the Centre for Alliance of Labour and Human Rights (CENTRAL), said the National Electoral Body should pursue a policy of dialogue and patience: "I request that as an arbiter, NEC should explain its position to the person who posted it, rather than suing them. This would ensure transparency and an opportunity to find out whether the criticism concerns the legal systems, election transparency or vote counting."

On 27 January 2023, The National Election Committee (NEC) publicly denounced a Facebook account named 'Legal Thief', which used a photo of NEC Chairman Prach Chan for its profile photo. The NEC announced it was cooperating with the security services and investigators to find the account holder and ensure they were punished. NEC Spokesperson, Dim Sovannarom, stated that the account was immoral and unacceptable and demonstrated malicious intent. He asserted: "The NEC has been cooperating with the relevant institutions to take measures to find those who pollute our society...". He also informed the public that information not shared responsibly would result in legal action by the NEC.

Following the June 2022 polls, multiple opposition political parties issued separate but similar public criticisms of the conduct of elections. Grassroots Democratic Party vice President Yang Saing Koma labelled the elections the worst in recent history because of the intimidation of candidates and the local authorities present at polling locations, as well as the lack of access to the 1102 forms, which are used to register the vote counts at individual stations. He asserted: "We appeal to all parties to cooperate and face the NEC, the government and especially, the Interior Ministry, over the authorities' roles." Kampucheaniyum, another offshoot party from the CNRP, noted similar problems, emphasizing the lack of access to voting, counting, and the 1102 forms. Candlelight Party vice president Son Chhay (who was also prosecuted in 2022), pointed out that the changed composition of the NEC makes the organization suspect. Following the 2013 elections and 2014 reforms, the composition of the NEC improved, with the opposition CNRP party represented on the Committee. However, after the CNRP was banned and its members prosecuted for a litany of crimes, the Committee is now completely dominated by the ruling party. Previously the parties agreed to reform the 9-person body,

with four representatives from the CPP, four from the CNRP, and one neutral member. However, after the CNRP was banned, three of its members resigned from the Committee, to be replaced by one from CPP, one from FUNCINPEC, which took almost the CNRP's seats in the National Assembly, and one from the Cambodia Nationality Party, which took the remainder of the CNRP seats in the parliament. However, both parties failed to win seats in the 2018 parliamentary elections.

On September 7, 2020, the National Election Committee (NEC) announced that registration observer registration for the 2022 elections would be open from September 12 to February 2. Registration was based on the 1007 form made available at the NEC offices and online through its website. Registration for party observers open from October 5 to February 2. Observers from parties were required to have a nomination letter signed by the party's president, and party agents were barred from transferring their observer status to another person. The authority of local party authorities to endorse observers was made evident in September 2021, when PM Hun Sen informed the NEC that those officials had the right to nominate observers and party agents to examine voter lists and voter registration for the 2022 election.

Sam Sokuntheamy, executive director of the Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFEC), pointed out that the ruling CPP party enjoyed a huge advantage in the elections. The pandemic increased its advantage because of already having officials in place, making for established relations with the people and less need to campaign. He stated: "They (CPP) are already in power. Most of the incumbent commune councillors and commune chiefs are from the CPP, and the people already know them, even though they do not have time to campaign. The parties that already have seats in the commune councils have an advantage. As for the new parties, the people still do not know about them if they do not go to the ground to campaign, especially to promote their policies." He noted the ruling party's superior organizational capacity at the grassroots level, with agents nationwide. The Khmer Will Party (KWP) president, Kong Moniker, made a similar assessment: "Every election always benefits the CPP, because of both the election law and the conditions for placing candidates, observers...etc. But all cause difficulties for other political parties."

On April 29, the National Election Committee made public an initial list of observers for the 2022 elections. The list contained 21 observers from COMFREL. The role of the CSO is to function as an independent monitor of elections and governance, in this case, focusing on the conduct of the election. In July 2021, COMFREL joined a group of 60 CSOs that set out six minimum criteria for a free and fair election in 2022. Three of those conditions were: a freer political situation; a review of the composition of the NEC (based on the concern that its membership was aligned with a single party, the ruling CPP); and independence of the security services and members of the judiciary. By 16 May 2022, COMFREL was compelled to decide if it would participate in election observation and concluded that two of the six conditions had been partially met. These were that the right of candidates to register had partly improved, and the space for media and civil society had partially improved. Korn Savang, the coordinator at COMFREL, informed the media: “Since we saw people were engaging and really wanted to [participate], we placed observers though on limited resources.” Following that decision, COMFREL turned to the challenging task of organizing monitors for the entirety of the country. At that point, media and most other observers were approved by the NEC, and there were increasing reports of candidates and polling agents being pressured to withdraw from participation in the election. COMFREL was not able to organize monitors to the same extent that it had done in the past, achieving about one monitor per polling station. Previous deployments had provided opposition parties with a sense of security and confidence given that an independent organization was involved in monitoring. For example, in 2017, COMFREL deployed 14,580 observers and participated in the ‘Situation Room’ coalition with other observing organizations such as Nicfec and PDP-Center. However, in 2022 independent CSO monitor was vastly outnumbered by party-aligned monitors. The Youth Federations of Cambodia, headed by Hun Many, deployed 62% of all observers, and the Cambodian Women for Peace and Development, headed by Deputy Prime Minister Men Sam An, deployed 35% of all observers. Other groups deploying observers included the Youth League of Peace Lovers, headed by Chum Kosal, who serves as an advisor to PM Hun Sen, and the Cambodian Democratic Student Intellectual Federation, headed by San Visal, who serves as Secretary of State in the Ministry of Rural Development. Licadho human rights CSO pointed out that 93% of all nonparty observers were from government-

led groups. The CSO coalition was ultimately disbanded following accusations of being part of a color revolution and investigated. Critics of the state risk being labelled as part of a vaguely defined and uncorroborated 'color revolution', which has posed a very serious obstacle for independent observers. Korn Savang noted that charge of being 'color revolutionary': "This spread to all levels of authorities. They accused the group of going against the government."

This severely deterred volunteers who had been essential to election monitoring. It affected all groups across civil society. For example, in 2017, Nicfec deployed more than 1,000 monitors but in 2022, only 20. Sam Kuntheamy heads Nicfec, said, "[Staff] called me saying their parents asked them to quit. Even though they wanted to help, they were worried. [After] we got named like that, we were struggling to find the observers. [Staff] are concerned about their safety." Addressing the contradiction between the accusations and the Ministry of Interior granted permission to continue monitoring, Korn Savang said, "I also talked to the Ministry of Interior about this, and the Ministry of Interior said it was political talk. If this were real, then Comfrel would have been dissolved too." Both COMFREL and Nicfec have faced severe funding challenges, and in 2022 COMFREL had no budget for observing the election. Nicfec informed the media that it previously received funding from the National Democratic Institute, which was ejected from Cambodia in 2017. It also previously received funding from the International Republican Institute and the EU, and the government has accused of fomenting a color revolution. Sam Kuntheamy noted: "We feel regret because we still have the ability to do the work. The problem now is we don't have donors; we don't know who to ask for funding."

COMFREL monitoring is aimed at as comprehensive an observation as possible, including voter registration, the media blackout "White Day," election day, the complaints process, the eventual results, and statistics of the participation of women. However, in 2022, to avoid legal prosecution or even being shuttered for its opinions, COMFREL repeatedly emphasized to the media that its monitoring report would not be an assessment of whether the election was free and fair.

The Asian Network for Free and Fair Elections conducted a pre-election assessment and released its findings to the public. It entailed interviews with more than 60 stakeholders,

including representatives of civil society organizations, political parties, the media, labor unions, academia, the diplomatic community, and international organizations, and voters to perform a detailed analysis of the pre-election socio-political situation. It found: “The undemocratic elements in the current legal framework continue to allow room for abuse, leading to a repressed civic space and a hindrance to a free and fair election environment. The composition of the National Election Committee (NEC) and their local counterparts are mostly affiliated with the ruling CPP, making them widely perceived to be partisan by many key election stakeholders and the general public. Crackdowns against the political opposition, CSOs, activists, and media have intensified recently. This has worsened when the newly adopted COVID-19 law is often used to curtail human rights and fundamental freedoms.

Furthermore, many opposition candidates and members, most notably those from the recently reactivated Candlelight Party (CP), continue to experience harassment and intimidation on the ground. Civil society members, particularly election monitoring groups, prohibited from conducting joint election observation efforts since 2017 as the government warned of violating the draconian Law on Associations and Non-Government Organizations (LANGO). Under the limited climate, the participation of CSOs in elections is minimal. This is also partly down to the lack of funding, as many international donors stopped funding election-related initiatives. The deterioration of media freedom remains a worrying issue in Cambodia. The government has imposed measures that led to other censorship, the shutdown of news sites, and arrests of journalists. This was exacerbated during the COVID-19 pandemic, with restrictions further disabling journalists from gathering and disseminating information on the ground. Media often choose to self-censor due to fear of retaliation; therefore, fair election reporting is expected to be limited in the run-up to the June elections....Overall, Cambodia still falls short of the standard of democratic elections, according to ANFREL’s Dili Indicator for Democratic Elections. There will be no genuine and legitimate election outcome if threats against the opposition and civic society remain prevalent. Cambodian authorities must make genuine efforts toward democratization and political reform, first by making room for multiparty democracy by allowing the opposition and civil society to operate freely, as this is a prerequisite for holding.”

The purpose of COMFREL monitoring is to assess problems voters may face in the process of participating and exercising their rights, as well as irregularities in the procedure on any failures of practice to comply with standards and regulations in place, and to make observations on how participation and competitiveness could be improved to ensure both freedom and fairness in the polling process. COMFREL is non-partisan and does not favor any particular outcome in the electoral process. To collect the information COMFREL and partner organizations deployed 1,858 observers (759 female).

COMFREL found the following aspects of the legal framework, which was amended in 2015 prior to the 2017 commune council elections and again following those elections, to be profoundly detrimental to free and fair elections. First, the law restricts rights of expression and participation and limits the capacity of CSOs to participate in the electoral process by having a public voice on policies and platforms. Moreover, the law has reduced the time allotted for political party processions, favoring the party with the greatest resources. Importantly, it enables civil servants, military personnel, and members of the judicial system to campaign for a political party (as long as it is not during working hours or they have been granted leave from the workplace). Again, this favors the ruling party and creates conditions in which voters may feel pressured or intimidated because of the potential for punishment represented by members of the security services and judiciary. COMFREL's summary of the 2022 report on the commune council elections noted further: "there are two unprecedented changes, which have been viewed as severely negative, such as (1) the mandate of elected representatives is not guaranteed, including the will of the electorate, because the amended Election Law contains a provision that allows distribution of seats belonging to a political party dissolved by the court to other political parties, which does not reflect the stance or will of the voters at all; (2) the using of court lawsuit in a criminal offense against any persons whose activities have been found out not yet fulfilling all conditions set forth in the Election Procedure."

Some problems with the recruitment process of electoral officers have also been noted, as COMFREL monitoring found cases of selected officers that had family relations with

others in the same office, indicative of nepotism in the selection process. Additionally, candidates not selected for the interview believe the process to be pre-ordained by the Selection Commission. The lack of party pluralism within the system was also notable, as most parties indicated that they did not appoint candidates for positions as electoral officers.

While COMFREL assessed voter lists to be acceptable, it still pointed out major voter registration problems that severely limit citizens' political rights. Not only are citizens living abroad not afforded the right to vote, but it was also found that 1.2 million eligible voters did not register in 2022 so as to vote in the upcoming 2023 national assembly election. Moreover, significant problems were found in the political party registration process. The opposition party registered candidates in 1,649 of 1,652 communes. Parties that had split from the former opposition party (CNRP) as well as the candlelight party were sued by the ruling party and compelled to remove registered candidates from the candidate list on the grounds that the respective candidates did not meet the required criteria. In addition to removing candidates from the list, a new practice emerged of waging legal prosecution on opposition candidates. For example, the Pursat province court charged two opposition party candidates for 'falsification of public documents'. As a result of these tactics, the official results for the election show the opposition competing in only 1,623 communes despite having registered in 1,649. Furthermore, COMFREL found six irregularities during the 14-day election campaign period: (1) lack of neutrality or the involvement of civil servants and armed forces; (2) activities leading to conflict provocation, obstruction, and disturbance; (3) neutrality of village and commune authorities; (4) inequality in the use of public space and security; (5) intimidation through threatening; and (6) the frightening of voters.

Although extremely difficult to assess, COMFREL attempts to monitor campaign finance during election periods. For example, by utilizing an observation technique to approximate the number of rallies and amount of promotional material or media advertising. Problematically, election law does not put any regulations on campaign finance. The result is an extreme asymmetry between the ruling party and competing opposition parties, given that the ruling party has access to state resources and aligned

media. As a result, when an opposition party gains ground, it seems to reflect a genuine voluntary contribution of time and resources by party supporters.

COMFEL found a variety of irregularities sufficient to mar the electoral process during ballot counting. These included: (1) election observers were not allowed to observe inside some polling stations during the ballot counting process; (2) some polling station electoral officers did not allow election observers to take photos of the ballot counting process; (3) some polling station electoral officers did not post the minute of ballot counting (Form 1102); (4) some polling stations did not fill out the information about the result of ballot count that each political party received, which was required to be posted in front of the polling station; and (5) the polling stations with no security issues were observed to be obscured and lack transparency due to the closure of doors or windows of those ballot counting stations.

The COMFREL's monitoring also found during the polling process; there was a problematic presence of authorities linked to the ruling party and state, both inside and outside polling stations, such as village guards, village chiefs, commune chiefs, police officers, and competing candidates who were running for the election. COMFREL found: "Those figures of authority were waiting to note down the name of voters who had already cast their ballot at the polling stations or in villages within their commune." Although very difficult to measure, given the widely publicized prosecutions of opposition party figures as well as frequent statements regarding potential violence against dissidents, clearly the presence of such authority figures impacts the perception of citizens to the detriment of free and uncoerced choice.

COMFREL also evaluated the degree of correspondence between the 1102 forms posted by election observers, and seven types of irregularities were found in the following amounts: (1) the issue of "ballot papers in the ballot box" for 90 cases; (2) the issue of "valid ballot papers" for 85 cases; (3) the issue of "invalid ballot paper" for 84 cases; (4) the issue of "ballot papers received by political parties" for 30 cases; (5) the issue of "spoiled ballot papers" for 10 cases; (6) the issue of "unused ballot papers" for five cases; and (7) the issue of "actual ballots received" was 5 cases. In addition, the forms the election observers have received do not have complete information on each of the points

above, whereas the forms posted on the NEC website contained completed information correctly.

Some election challenges for observer recruitment were found, such as (1) the short time for the recruitment process; (2) target areas for the recruitment have no COMFREL contact points or contact points of other institutions; (3) the office location is in a remote area that is difficult to communicate; (4) some selected observers have resigned, and some are of the view that the fee provided is too little.; (5) the observer recruitment period is during the recruitment of Polling Station officers, and (6) the provision of incomplete information while filling out the personal data in the name list, causing difficulty in preparing the name list.

Finally, there were some difficulties about the application submission process for obtaining the Electoral Observer card. COMFREL suggests the NEC on the following points as a way to increase the overall quality of the electoral process by reducing difficulties for observers: (1) the list of election observers sent from the NEC needs to go through so many stages, delaying the receipt; (2) the secretary shall be responsible for filling out the card, but s/he has insufficient time to do it, which is their responsibility, consequently impacting other tasks; (3) Chairman of the Provincial/Capital Election Commission (PEC) does not authorize the next subordinate to sign on the Card on their behalf on the condition that the Chairman is on a mission. Such a case further prolongs the issuance of Election Observer cards, as reflected in the issues in Kampong Cham province and Phnom Penh;(4) all photos need to be printed out in the downtown areas, which is the responsibility of the COMFREL's provincial secretary (the secretary needs to pay for the photo printing); (5) all Election Observation cards shall be attached with a photo and then be sent back for the applicant to sign; after that, the cards shall be submitted to PEC for stamping and then be sent back to the observers again (the secretary is responsible for any expenses occurring during this process); and (6) the sending of the Election Observation cards to the observers encounters difficulty for those living in remote areas; it is one of the responsibilities that the secretary needs to spend both time and high budget on delivering those cards to them.

Following the release of COMFREL's report, ruling party-aligned media released an article claiming the findings had been 'debunked'. As admitted by that media reporting, COMFREL's 136-page election report "lists the comprehensive key findings on recruitment of electoral officers, voter registration, registration of political party candidates, campaigns and the election result, among others." NEC Deputy-Secretary General and spokesman Som Sorida rejected COMFREL's findings: "What they have found does not change the outcome of the election. They only attempt to show that the NEC is at fault in its performance." CPP spokesman Sok Eysan also rejected the findings, claiming the irregularities were fabricated: "Comfrel's report is invalid. If they know there were irregularities during the election, why not file a complaint according to the procedure."

The case of Poipet commune (Banteay Meanchey province) candidate Chao Ratanak shows the difficulties faced by the opposition parties in addressing irregularities and seeking resolution for complaints. Ms. Chao filed a complaint to the local election committee regarding the stationing of village chiefs, deputies, and guards at all 29 of the polling stations. However, the national election committee rejected his complaint because he did not submit the guards' names at the stations, which is obviously information he would not have been able to obtain without risk to his own safety or potential prosecution. She also noted that in some cases, the Candlelight party monitors were not allowed to observe vote counting. Regarding COMFREL's findings on personnel, such as ruling party authorities and security services at polling locations, Korn Savang, coordinator for COMFREL, pointed out to the media: "This creates fear in the voters. The village chief knows all the people and might know who they vote for." Following the election, many videos were circulated on social media claiming to show authorities at polling stations and individuals recording the names of the voter, as well as closed windows/doors at polling stations. COMFREL monitoring obtained photographic evidence of some local authorities sitting at polling stations, and observers saw individuals recording voter names. Local human rights CSO Licadho found the same problems with the polling process.

As of October 2022, the NEC had called four million people to come and check whether their names and personal information were accurately recorded on the voting list. Across

the country, names were removed from the voting list. This occurred at the highest rate in Kampong Cham (10,311 people removed), Kandal (9,629 names removed), and Phnom Penh (7,198 names removed). Citizens who have relocated must register again using their current commune of residence. COMFREL monitor Kang Savang said that the NEC should address the situation to avoid problems that occurred in the past, such as registrars refusing to register voters in some cases and the insufficient dissemination of registration information. He asserted: “The NEC should pay great attention to the registration process and grant equal opportunity to the citizens.”

In December 2022, when meeting with EU High Representative Josep Borrell, Foreign Minister Prak Sokhonn, requested the EU send election monitors for the 2023 elections. He claimed that Cambodia's democracy had significantly been approved, and cited the 2022 vote with 17 participating parties and 80 percent voter turnout. Sam Kuntheami, executive director of the elections CSO Nicfec, said there had been no substantial improvement in elections or democracy in the country. He claimed: “If our election process is trustworthy and political rights and freedom of expression are opened widely, the EU will engage with us.” The NEC spokesman Hang Puthea said: “Cambodia is not secretive in building democracy towards national development.”

However, in September of 2022, PM Hun Sen announced that the government would take legal action against any person or party that broaches the issue of evictions from the Angkor Wat Archeological Park as part of political campaigning in the 2023 elections. The RGC has announced that almost two thousand families in the park will be relocated to the Run Ta Ek village of Banteay Srey district. In compensation for land lost, they are being offered 600 square meters of land. PM Hun Sen declared: “I would like to call on political parties not to use what [I am] doing as a weapon to attack me to gain support in the next election. I understand you guys always do this before elections, but you have to understand that if I take legal action against you, it can't be regarded as politically motivated.” Thach Seta, vice president of the Candlelight Party, said that the ruling party is worried because the issue is sensitive and characterized Hun Sen's statement as a political threat in connection with the 2023 elections. He noted: “What is important is finding a solution for the people, which is the government's responsibility. If the

government provides a proper solution, there is nothing to be afraid of.” He also pointed out: “It shows that the political climate of the upcoming elections will not be free for political parties.” One of those being evicted is Lun Long, who told the media that he must exchange three hectares of land for 600 square meters. Sous Narin, a monitoring officer for the rights group Adhoc in Siem Reap, said that people living within the park are unable to get land titles, but if they vote for the ruling party, they are allowed to sell their property. They are promised the transaction will be facilitated if they vote for the CPP.”

Moreover, in January of 2023, PM Hun Sen told opposition leaders to end their practice of ‘tantrums’ following elections. He declared that he would not tolerate opposition parties criticizing the ruling party because elections were unfair. He stipulated that accusations of vote fraud could only be met by either legal action or ‘sticks’. He claimed that criticism of the elections is a serious insult and not considered freedom of expression, and ordered officials at all levels of government to monitor for such criticism and to file lawsuits in advance. Spokesman for the human rights CSO Adhoc, Soeng Sen Karuna, said that in a democratic society, multiple views and opinions are tolerated, and it was the duty of opposition parties to monitor government behavior. However, criticisms must be acceptable if improvements are going to be made, and proposals for improvements are necessary to attract support from voters. He claimed: “As we are NGOs, we understand that all the political issues and conflicts should be discussed between parties to find a solution. That is better than accusing and threatening each other, which is a loss for all. They should take time to serve the nation's interest.” He also clarified that the government should support and ensure reform of the national election body with the consent and support of all parties.

For the 2023 national elections, 577,550 new people (288,551 female) registered to vote, according to the NEC. However, many of the six minimum conditions for a free and fair election still need to be met. Most of the irregularities set out in this report reflect a relatively free and fair process on election day, but the political situation and obstacles for opposition parties prior to the day of polling remain a cause of serious concern. According to the UNDP, in the 2018 elections, only 50% of the population aged 20-24

voted. However, only one in two people aged 20-24 voted in the 2018 national elections. Of that group, 30 percent were not registered, and 30 percent had no national ID card.

King Norodom Sihamoni, a constitutional monarch who normally refrains from involvement in public issues, released a statement on 8 February 2023 requesting all eligible voters participate in the election. He stated that no person or party should be harassed or intimidated and that people should be allowed to vote without pressure or coercion. In March 2023, Minister of Interior Sar Kheng said that authorities and police should not inhibit the free operation of political parties in the period leading up to the 2023 national election. He asserted: “The government has a duty to ensure security, guarantee that all registered parties for election have the opportunity to assemble and have the opportunity to conduct their campaigns in line with their wishes, particularly in line with their political programs to seek popular support.”

However, opposition party supporters noted the extreme climate of legal prosecution and intimidation which preceded the 2022 elections. Kin Sour, a spokesman from the Candlelight Party, stated, “The order of the Minister of Interior doesn’t seem to have any effectiveness. I’m not sure if the lower authorities listen to him or they listen to other individuals who have ordered them.” He noted that even this far before the election, local authorities still take photos of citizens that attend opposition party meetings, effectively intimidating them and making them afraid to participate. As noted by Sam Kuntheamy of the Nicfec elections NGO, for the statement of the Interior Minister to have meaning and authority, then those who violate his directive must be held to account. However, harassment and intimidation of the opposition not only seem to go unpunished, it seems to be part of the modus operandi of the ruling party. Kuntheamy stated: “So far, he hasn’t taken legal action against anyone who has done the opposite of his order and instruction. Therefore, they [his lower authorities] seem not to care because [they know that] there have been no consequences for the violators of his instruction.”

At the end of 2022, the National Election Committee (NEC) spokesman, Hang Puthea, denigrated NGOs’ contribution in a statement concerning the rejection of NGO recommendations for the 2023 election. He stated, “They do little, speak a lot,” said

Puthea of opposition parties and NGOs. “They believe that following their opinions will lead to free and fair elections, but I think this is wrong.” After reviewing a copy of the final report expected to be released by the NEC, COMFREL found that the NEC had not accepted any of the 58 recommendations the NGO has submitted. According to the NEC spokesman, the NEC had accepted 180 recommendations made by stakeholders and only rejected 22 recommendations; however, he conceded that the recommendations left included key concerns submitted by COMFREL. Many of those recommendations were echoed by opposition political parties following observed irregularities in the June 2022 poll.

Given the mass prosecutions of those who challenge the ruling party, the climate of fear and self-censorship that this results in, the ruling party’s total control over the state budget and human resources, the lack of democratic procedures internal to the ruling party, and the lack of independent media, Cambodia seems to be drifting further and further into autocracy all while maintaining a pretense of democratic accountability and the rhetoric of commitment to fundamental freedoms.

Chapter V – Democratic Governance

After years of advancing within the ranks of government, particularly ascending to the top levels of the military, Hun Manet, son of PM Hun Sen was announced as the ruling party's candidate for PM. He is the only potential PM among ruling party elites. The impending transfer of power makes clear the system of nepotism and dynasticism that has become established in Cambodia, as well as how a regime that periodically holds elections (albeit without competition) remains at its core a military rule system. Hun Manet thus far seems to exhibit the same rhetoric and endorse the same policies as his father, Hun Sen. He frequently praises the PM and the ruling party's achievements while emphasizing the threat of extremism (referencing opposition party leaders and supporters) which must be eliminated. He asserts that such extremists, members of the now-banned opposition, have only incited violence and hatred in society. Like PM Hun Sen, Hun Manet makes frequent public speaking appearances (for example, at schools, openings of new buildings, hospitals or health centers, and pagodas). The most prevalent theme in such public appearances is the achievements of the PM and the ruling party in terms of making peace while at the same time highlighting the continuing threat of war and violence, which must be the policy priority.

Political analyst Lao Mong Hay has noted that such rhetoric reflects the complete ideological control of the PM's narrative over the ruling party. He argued that, based on his education, Hun Manet should be encouraging the fuller development of the nation's youth, making them capable of addressing social issues instead of attacking and repressing criticism of the government. In February 2022, Hun Manet met with the Commander-in-Chief of the Royal Thai Army, focusing on improved military bilateral relations. Also in February, Hun Manet met with the PM of Japan, Kishida Fumio, and other Japanese officials when visiting Japan's Self-Defense Forces' Parachute Unit and Special Forces School.

The Research and Advocacy Program Manager of Cambodian Youth Network (CYN), Heng Kimhong, said that youth need modern policies to meet people's needs and solve pressing social problems. Hun Sen and Hun Manet tend to focus on January 7 and the narrative of liberation from genocide, but more focus should be on current societal challenges. He pointed out: "For the youth, when it comes to the [concept] of 7 January day, it's just like telling a legend we have never seen. The current social issues differ from the previous time; we need to compete internationally and regionally." Em Sovanara, a political analyst, said a new political vision is needed: "When they just keep using the old political message or the ways created by the previous generation who already saw their popularity decline, they will not succeed in political competition. We saw the 2017 commune election as a clear reflection that CPP's successors must create something new to attract or gain support, especially the young voters. The issues of economy, employment, security issues, and climate change would be potential messages [to attract voters] rather than just repeatedly raising the 7 January policy."

International IDEA (Institute for Democracy and Electoral Assistance) categorizes Cambodia as an authoritarian political system. Its 2022 assessment of Cambodian democracy asserts: "Prime Minister Hun Sen continued his legal harassment of all domestic political opposition, including the issuing of fines, lengthy sentences, and public threats. Observers credit the long-running crackdown as an attempt by Sen to sideline all opposition before handing over the prime minister's office to his son, possibly as soon as next year's elections. Sen has also expanded his efforts beyond Cambodia's borders..."

IDEA Global State of Democracy Indices for Cambodia

Representative Government	0.30/1
Fundamental Rights	0.37/1
Checks on Government	0.33/1
Impartial Administration	0.18/1
Participatory Engagement	0.38/1

The pro-democracy think tank Freedom House gave Cambodia a score of 24/100, rating the country as Not Free. While Cambodia was rated as having 19/60 for civil liberties, it

only received 5/40 for political rights. Regarding the 'Functioning of Government', Freedom House bases its assessment on three questions: Do the freely elected head of government and national legislative representatives determine the policies of the government? (Cambodia was assessed at 0 out of 4); Are safeguards against official corruption strong and effective? (Cambodia was assessed at 1 out of 4); Does the government operate with openness and transparency? (Cambodia assessed at 1 out of 4). Thus, out of a possible total of 12 points, Cambodia received only 2. Freedom House finds that: 1) "Hun Sen has increasingly centralized power, and figures outside of his close circle have little impact on policymaking...the CPP's central committee unanimously voted to endorse Hun Manet as "future prime minister"; 2) "Anticorruption laws are poorly enforced, and corruption is pervasive in public procurement and tax administration, to the benefit of Prime Minister Hun Sen and his family...Members of the prime minister's family have also used their positions to keep millions of dollars in assets abroad and have acquired Cypriot passports...Senior CPP senators have been implicated in acts of corruption, allegedly benefiting from smuggling operations and illegal land concessions"; 3) "Nepotism and patronage undermine the functioning of a transparent bureaucratic system."

In terms of 'Rule of Law', Freedom House bases its assessment on four questions: Is there an independent judiciary? (Cambodia was assessed at 0 out of 4); Does due process prevail in civil and criminal matters? (Cambodia was assessed at 1 out of 4); Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? (Cambodia was assessed at 1 out of 4); Do laws, policies, and practices guarantee equal treatment of various population segments? (Cambodia was assessed at 1 out of 4). Freedom House posits that corruption is rife within the judiciary, and the legal system is highly politicized to repress dissent; due process rights are frequently violated, and abuse by law enforcement and the judiciary is common, while there is impunity for elites. Suspects are often tortured, and the security services practice excessive use of force against accuses suspects.

According to the Bertelsmann Transformation Index (BTI) assessment Cambodia's Political Transformation to a stable democratic state has only attained 3.08 out of 10,

ranking 119 out of 137 states. The economic transformation was rated higher at 4.64 out of 10, with a ranking of 86 out of 137 states; however, governance was found to be poor, with a rating of 3.05 out of 10, with a ranking of 118 out of 137 states. According to the Global Peace Index, in 2002, Cambodia was rated 1.88 out of 5 (with 5 being less peaceful) and ranked 62 out of 163 states. However, it was found to be most deficient in these areas: jailed populations (2.843/5); military expenditure (2.878/5); and political instability (3.125/5).

The World Justice Project ranked Cambodia 139 out of 140 countries worldwide. With scores ranging from 0 to 1, Cambodia's rating declined from 0.32 in 2021 to 0.31 in 2022. The problem of politicizing the judiciary and executive control over the judicial branch has been elaborated in detail in the discussion of civic space and political rights. Thus, we can turn to the quality of the judiciary and the rule of law in non-political cases. Most studies report that corruption is endemic to the judiciary. Cambodian citizens are reluctant to take problems to the police and the courts, given that extensive payments will be expected. The common perception is that whoever pays the most to the court officials wins in disputes.

Bar Association of the Kingdom of Cambodia (BACK) spokesman An Sovothanea said the association has three mechanisms to provide legal aid to people experiencing poverty: legal aid provided by the government; and MoU with the Cambodian National Consultation for Women (CNCW); and free legal services for the poor. In 2021, the public defenders' program took up 5,182 cases and 42 free legal services to people with low incomes. According to BACK President Ly Chantola, as of April 2022, the BACK had defended 11,892 cases (19,914 clients, including 1,353 women and 4,589 minors). In coordination with the CNCW, 117 cases (120 women and girls) were defended. Free legal consultation was provided for 257 cases (388 clients). However, Ly Chantola noted substantial challenges for legal aid, including budget problems and access to remote areas. Government funding amounted to 2 billion riels in 2021 and 2.6 billion riel in 2022. According to Minister of Women's Affairs Ing Kantha Phavi, who is also president of the Cambodian National Council for Women (CNCW), defense for abused women and girls continues to be hampered by limited access to lawyers, lack of clear definition of cases

and the availability of defense and compensation for victims, and weak cooperation between the prosecution and defense.

Ly Yong Phat, a business tycoon, and ruling party Senator was appointed as special adviser to the PM on Dec. 6, 2022. He is known for sugar plantations (and related land disputes) in Koh Kong province, but LYP business group entails many enterprises. Also promoted then were a defecting opposition politician and the son of PM Hun Sen, Hun Manith. Additionally, judge Ros Piseths, who served as the judge in an opposition mass trial in 2022, was promoted to President of the Ratanakiri Provincial Court. In November 2022, PM Hun Sen gave half a million USD in luxury watches to visiting ASEAN member state politicians to demonstrate Cambodia's technological progress. In October 2022, a business associate of the PM's daughter was granted 67 hectares in of Boeng Tamok lake (currently being filled). Previous recipients of the land include Senator Kok An, the daughter of the Land Minister Chea Sophara, and military commanders Vong Pisen and Sao Sokha. In July, while protests against those displaced and losing their land, it was announced that six hectares of the lake were granted to four-star general Sen Yu An, the head of the Ministry of Interior's finance department.

In February 2022 PM Hun Sen publicly criticized the Agriculture Minister, accusing him of not cooperating with others, and the minister was removed from his post in October. In August, 22 deputy governors in Phnom Penh were transferred to various provinces, and the Ministry of Defense transferred and reappointed 17 officials. In July, the son of general Kun Kim (currently sanctioned by the US) was promoted to governor of Preah Vihear province. He became the ninth child of a ruling party leadership figure who was appointed to be a provincial governor in Cambodia. Kim Rithy, son of Kun Kim, served as the deputy director of administration at the Ministry of Interior before being appointed governor. Before that, he served as deputy governor of Kandal province, beginning in 2014. Other offspring of members of the ruling party appointed to governorships include Kampot governor Mao Thonin, nephew-in-law of Prime Minister Hun Sen; Kep governor Som Piseth, son of lawmaker Som Chen; Koh Kong governor Mithona Phouthorng, daughter of ex-governor Yuth Phouthorng and granddaughter of late CPP permanent committee member Say Phouthorng; Mondulakiri governor Thong Savun, son of late

Defense Minister and Senator Bou Thang; Oddar Meanchey governor Pen Kosal, son-in-law of National Assembly president Heng Samrin; Prey Veng governor Chea Somethy, son of late CPP president Chea Sim; Siem Reap governor Tea Seiha, son of Defense Minister Tea Banh; Tbong Khmum governor Cheam Chansophorn, son of lawmaker Cheam Yeab. Ruling party spokesman Sok Eysan claimed: “Every party has the role in building up the younger line, the next generation, to be its successors, so the CPP building up its youth and promoting its youth to take on key roles is a normal thing. For their children, they must have enough qualifications to be promoted. The CPP has not taken random people to be promoted. They all have been educated in foreign countries with higher education, certifications, high morality and clear positions.”

On 19 April, four of PM Hun Sen’s bodyguards were promoted to the position of lieutenant general in the bodyguard unit. On 23 April, three of PM Hun Sen's protocol officials were promoted to Secretaries of State for the Council of Ministers. They are Song Leng Bora, Try Sokha, and Chea Khupea. Political analyst Em Sovanara said such promotions were aimed at strengthening the PM family’s monopolization of power. He noted: “In general, the ruling party must prepare a mechanism for promoting trusted persons to hold positions in the office of the Council of Ministers, as well as to maintain the stability of the future transfers of power for the next generation, especially for his son Hun Manet. Currently, no one in the ruling party dares to raise this issue because power is concentrated on the president of the same party.

According to the Ministry of Interior, the Minister’s Facebook monitoring group resolved 802 out of 1,768 requests posted to his page from 2020 to the end of 2022. According to media reports: “Of the 802 complaints and requests, 275 were resolved by the National Police; 401 by the General Department of Administration; one by the General Department of Logistics and Finance; four by the General Department of Prisons; 63 by the General Inspectorate; 46 by the General Department of Identification; and 12 by the General Department of Immigration.”

In September, the NA Standing Committee approved a budget of 43 million USD for the NA in 2023, stipulating the money would be used for parliamentary sessions and travel

expenses of MPs. In October, the National Assembly rejected a second request by opposition parties to meet. The four parties were the Candlelight Party, Grassroots Democratic Party, Khmer Will Party, and Cambodian Reform Party. The National Assembly stated that the request was rejected because there was no legal requirement related to meeting with opposition parties.

On November 29, four draft laws and bills were approved by the National Assembly (NA) unanimously, including amendments to the internal rules of the NA; financing of the 2021 state budget; finance for the 2023 state budget; and protocols related to the amendment to the Convention on International Civil Aviation.

The National Assembly (NA) on July 28 voted to change six articles of the Constitution and two articles of the Additional Constitutional Law, marking the 10th time that the 1993 Constitution has been changed. The articles were 19, 89, 98, 102, 119, and 125, in addition to changes to articles 3 and 4 of the Additional Constitutional Law. According to NA, with all seats occupied by the ruling party, the changes were necessary to provide for the functioning of national institutions and the executive branch 'in all circumstances'. It was also claimed that the changes were needed for public order and stability. Opposition parties and civil society organizations noted the detrimental effect of the changes to the legislature's independence and to the norms of multi-party democracy. Four parties, the Candlelight (CP), Khmer Will (KWP), Cambodian Reform (CRP), and Grassroots Democratic (GDP), submitted a request to the NA to reject the changes. A joint petition by 100 NGOs made a similar request. Justice Minister Koeut Rith, noting the opposition parties were only four of 50 political parties registered, said the changes were comparable to constitutional law in democratic countries such as the UK or Malaysia.

Political analyst Em Sovannara pointed out that criticisms by opposition parties and civil society would not affect lawmakers. He asserted: "Past proposals for amendments to laws have always been smooth, with no dissenting opinions, as all government structures are members of the Cambodian People's Party. If a one-party government leads the country, it will undermine the implementation of democracy in Cambodia. If we look at the

rights of citizens to freedom of expression, there are restrictions and threats. Moreover, members of the National Assembly do not have the right to respond to citizens' problems."

The constitutional changes altered the process of executive selection in the country, which analysts believe will make dynastic succession easier, assuring that any opposition gains in the 2023 elections will not prevent the PM's son, Hun Manet, from taking power. Prior to the changes, the PM must be approved by the National Assembly after the king has designated the person. Following the changes to article 119, there is no longer a requirement that the legislative branch approves the executive, and now the king notifies the president of the National Assembly. Moreover, changes to article 135 make it so the current prime minister can designate an acting prime minister in conditions of the former's absence. These changes were approved by a cabinet, accepted by a constitutional council, and enacted by a parliament that is under total control of a single party, the ruling CPP.

At the time, Saing Koma of the Grassroots Democracy Party (who has since accepted a high-level position in the government and joined the ruling party) asserted that: "The amendment makes the National Assembly lose power. This isn't needed. We need transparency. The amendments are not necessary, especially on 125 and 119." He suggested that the legitimacy of the changes would depend on a national referendum and that the legislation was hurriedly enacted to expedite the succession of power from Hun Sen to Hun Manet. Thach SETHA of the opposition candlelight party indicated that the ruling party was wary of gains by the opposition in 2023 and did not want to cede any power. He asserted: "The government should wait until multiple parties are in the assembly after the 2023 election. Maybe [the CPP] thinks it would be difficult to do under a new National Assembly. [The amendment] is not necessary. The CPP treats the country as if it has an emergency. This creates a lot of suspicions." However, political analyst Kim Sok (now residing in exile to avoid imprisonment) stated: "The amendment is to serve Hun Sen's power transfer plan for the Hun Dynasty."

COMFREL uniquely conducts monitoring and observation of the parliamentary lower house. This is the only source of publicly available information for many aspects of the National Assembly's activities. COMFREL has found that in the four years that a single party has wholly controlled the parliament, the ruling CPP, in only one single instance, has the assembly used its authority to call a member of the executive branch for questioning and information. On one occasion, the lawmaking body sought information or clarifications from the Minister of Justice. Throughout eight plenary sessions from 2018 to 2022, no other instances occurred of the parliament exercising this authority. During this time, 125 items were approved or enacted. Thus COMFREL finds the single-party parliament fails to use the authority granted to it under Article 96 of the Constitution, which is necessary for lawmakers better to understand the need for and impact of laws. COMFREL found: "Some draft laws were quickly approved without any public discussion. The issues raised by opposition political parties, NGOs, and unions were not taken into account. The [National Assembly] does not care about the people's suggestion, as stated in Article 35." Korn Savang, COMFREL monitoring and advocacy program coordinator, pointed out that the CSO makes its findings available to the parliament and the public to better enable the lawmaking body to improve its effectiveness and impact. He asserted: "We have identified a number of issues, such as land disputes, social injustices, and workers' issues, that were not addressed, which is one of the reasons we see a lack of multi-party mechanisms." The President of the human rights NGO ADHOC, Ny Sokah, noted that the key to improving the separation of power and ensuring more effective checks on the executive depends on free and fair multiparty elections.

CPP lawmaker Chheang Vun rejected COMFREL's findings: "The Comfrel report was made under a crazy assessment. He argued that no member of parliament in other mandates has done a better job than this mandate." Vun contended that lawmakers had called multiple officials for questioning under smaller parliamentary commission sessions but did not provide details or examples. He stipulated that information regarding such questioning is made available on social media. Pa Chanroeun, president of the Cambodian Institute for Democracy, said that many issues are not addressed in a one-party parliament: "The lack of a multi-party parliamentary mechanism and competition is

the reason that led to the slowdown in Cambodia's democratic process. This report reflects that a multi-party parliament is better for the people than the current one-party parliament." He contends that political pressure ensures that the parliamentarians cannot fulfill their role independently.

Conclusion

Cambodia's democracy has been on a consistent and ongoing decline due to a government crackdown on the opposition, NGOs, and independent media, resulting in the closure of civic space and erasing the country's system of checks and balances. In 2022, three separate mass trials took place, resulting in the conviction and sentencing of multiple opposition party members and activists. The trials were criticized for lacking independence. In August 2022, another mass trial was initiated, with 37 former opposition party members facing criminal charges for "plotting,". The trial started in September 2022. In December 2022, 36 senior officials of the banned Cambodia National Rescue Party were sentenced to imprisonment for supporting a vice president's attempt to return to Cambodia. Most convicted officials had already fled the country and were living in exile. These trials have been criticized for lacking due process and being politically motivated.

The media space in Cambodia is deteriorating, with the government using repressive tactics to restrict freedom of the press and expression. Journalists face violence, harassment, judicial prosecution, and censorship. In November 2022, a joint statement by 32 organizations called for greater respect and protection for journalists. According to the Cambodian Journalists Alliance Association (CamboJA), 57 journalists were harassed in the last 10 months, with 23 subjected to violence and threats, 12 arrested, 12 facing judicial harassment, and 4 media outlets' licenses revoked. A United Nations Office of the High Commissioner for Human Rights report found that journalists face increasing pressure, harassment, and violence. Media ownership is concentrated in the hands of ruling party affiliates. Freedom House ranked Cambodia as "partly free" regarding internet freedom, with restricted access, content, and violations of users' rights. The Cambodian Center for Human Rights found no improvements in freedom of the press, with intimidation, surveillance, threats, and judicial harassment used regularly to target those who speak up. 20 journalists and 13 human rights defenders were subjected to legal action from September 2021 to August 2022. The closure of critical media outlets has left citizens with less reliable news sources.

The labor sector in Cambodia continues to face challenges, including the repression of independent trade unions and worker mobilization, neglect of workers' short-term and long-term well-being, and the lack of effective policies to improve worker capacities to meet the changing demands of industry and compete internationally. The government has chosen to isolate independent unions and deter worker mobilization using violence and rule by law. Despite negotiations, the minimum wage was only increased to \$200 USD per month, which is not considered a living wage for workers. The Nagaworld Casino refused to pay compensation in accordance with labor laws, resulting in the dismissal of 365 workers. Unionist Chhim Sithar and the Labor Rights Supported Union of Khmer Employees of Nagaworld (LRSU) have faced violent apprehension, arrests, and charges, with many striking workers also being arrested. These actions are inconsistent with basic principles of the rule of law and represent a challenge to workers' rights in Cambodia.

The political system involves the practice of elections without liberal pluralism and real choice for the citizenry, a range of CSOs. People must continually increase their self-censorship for fear of prosecution and violence, as well as a large number of welfare and charity-based NGOs. NGOs provide services but do not seek structural reforms or policy solutions to the underlying causes of problems. The current political system has increasingly normalized rule by law and, for several years, has progressively institutionalized laws and practices that counter liberal democratic pluralism and political rights. The political authorities in Cambodia rely on a mix of co-optation and coercion, with control over the security services and armed forces guaranteeing that any challenge to those in power will be eliminated through repressive measures. Since the 2017 elimination of the main opposition party, the regime has increasingly turned to rule-by-law tactics, providing repression with a façade of legality. To date, this has not been as evident as in 2022 with mass trials against political opposition party members, wherein basic expressions of fundamental freedoms (expression, assembly, and association) have been categorized by the authorities as severe crimes, ranging from incitement to rebellion and treason.

The state of democracy in Cambodia remains precarious, with concerns about political instability, human rights abuses, and restrictions on freedom of expression. At the same

time, the appetite for democracy by the public remains, and its periodic resurgence in electoral outcomes and participation (which occurs a significant risk to individual financial and personal security). A more democratic future for Cambodia will depend on intensified international support, civil society engagement, and government reform. By working together, it is possible to promote a more democratic and just society in Cambodia.

Advancing democracy depends on Strengthening the rule of law and promoting accountability for human rights abuses; supporting independent media and protecting freedom of expression; encouraging the government to engage in dialogue with civil society organizations and opposition parties; promoting fair and transparent elections, including international monitoring; providing financial and technical support to civil society organizations that work on democracy and human rights issues.

As such, it is increasingly evident that the international community seeking to support democratization needs to take a more active and assertive approach in relation to its engagement with Cambodia. Furthermore, within Cambodia, democrats and key stakeholders aiming for accountable governance must find new ways to cooperate in the limited civic space, develop new outreach strategies to disseminate democratic norms, and improve collaboration in their efforts.

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