



## Report on Human Rights Situation: Reflecting on Exercising the Fundamental Freedoms in 2025



Banteay Meanchey: Sensitization session on safe migration



Phnom Penh Commemoration of the Paris Peace Agreements



Phnom Penh: International Women's Day on 8 March (CDC's park)

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## I. Introduction

Fundamental freedoms<sup>1</sup> are a crucial foundation of democracy and the rule of law. Restrictions and limitations on fundamental freedoms lead to serious impacts on the exercise of fundamental human rights<sup>2</sup>.

Based on the 2025 monitoring data of ADHOC, the human rights situation in Cambodia has not improved compared to 2024, particularly regarding challenges and trends of restriction of fundamental freedoms, political rights, and the justice system. The use of criminal law to control critical opinions, threats against activists, and the use of violence during interrogations negatively affect democracy and the rule of law. These actions may impact Cambodia's international obligations and public trust in the justice system and democratic processes. To restore public confidence and ensure an environment of freedom and justice, systemic reforms, equal enforcement of the law, and respect for human rights obligations under the Constitution and international standards ratified by Cambodia are required.

Among the 215 cases of rights violations and restrictions on freedoms documented and compiled by ADHOC in 2025, there were approximately 15,039 victims and directly affected individuals (50.3% women), most of whom are economically disadvantaged and indebted. The majority of restrictions targeted political and social activists, including human rights defenders, journalists, trade unions, youth groups, and social media users expressing their opinions.

**Trend of restrictions on freedom of expression:** The broad use of the offense of “incitement” under Articles 494 and 495 of the Criminal Code of the Kingdom of Cambodia has been applied to charge and place individuals in pre-trial detention for expressing critical opinions on social media, without clear evidence demonstrating a “real and imminent risk of violence or commission of a crime affecting national security or public order.” This does not comply with the principles of proportionality and necessity.

Releases conditioned on public apologies or the cessation of critical activities may create a chilling effect in society, contrary to the legal principle that “no one shall be compelled to confess guilt or testify against themselves,” as stated in Article 321, paragraph 3 of the Criminal Procedure Code of the Kingdom of Cambodia, and Article 14(3)(g) of the International Covenant on Civil and Political Rights.

The enforcement of restrictive measures on freedom of expression carries the risk of contradicting the spirit of laws that guarantee this right, as stated under Article 41 of the Constitution of the Kingdom of Cambodia, Article 19 of the International Covenant on Civil and Political Rights, and Article 19 of the Universal Declaration of Human Rights.

**Restrictions on freedom of peaceful assembly:** 75% of outreach activities and training sessions were either obstructed or closely monitored by local authorities. This included requirements for permits/notifications, copying participant attendance lists, taking photos without consent, and conducting home visits to question participants. Such practices constitute interference with the right to privacy and freedom of peaceful assembly, contrary to the laws guaranteeing these rights, as provided in Article 41 of the Constitution of the Kingdom of Cambodia, Article 21 of the International Covenant on Civil and Political Rights, and Article 20 of the Universal Declaration of Human Rights, as well as Notification No. 2006 dated November 27, 2018, issued by the Ministry of Interior.

Among 45 recorded cases of peaceful assembly (with 5,092 participants), the number of authorities and security forces monitoring these events amounted to approximately 80% of the total participants. This may create an atmosphere of fear, rather than fulfilling their role of protection and facilitation.

**Demonstration and strikes:** Most demonstrations and strikes organized by trade unions are peaceful in nature and are protected under the laws of the Kingdom of Cambodia, including Article 37 of the

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<sup>1</sup> Fundamental freedoms include: freedoms of expression, freedoms of peaceful assembly and freedoms of association.

<sup>2</sup> Fundamental freedoms include: freedoms of expression, freedoms of peaceful assembly and freedoms of association.

Constitution, Article 318 of the Labor Law, and Article 4 of the Law on Peaceful Demonstrations, as well as international law such as Articles 21 and 22 of the International Covenant on Civil and Political Rights. However, the widespread and heavy presence of authorities monitoring these activities may have an intimidating effect on participants and create a threatening environment for the exercise of freedoms, rather than fulfilling their role of protection and genuine facilitation of public order and security.

**Justice system and access to justice (through trial monitoring):** Data indicate a lack of trust in the justice system, with 92% of victims not filing complaints due to lack of confidence, fear, and the complexity of court procedures.

There are cases of excessive pre-trial detention and indefinite postponements of hearings without clear dates. Continuous delays in initiating hearings (98% of data) and difficulties faced by lawyers in accessing case files have affected the right to a fair trial, effective defense, and timely proceedings.

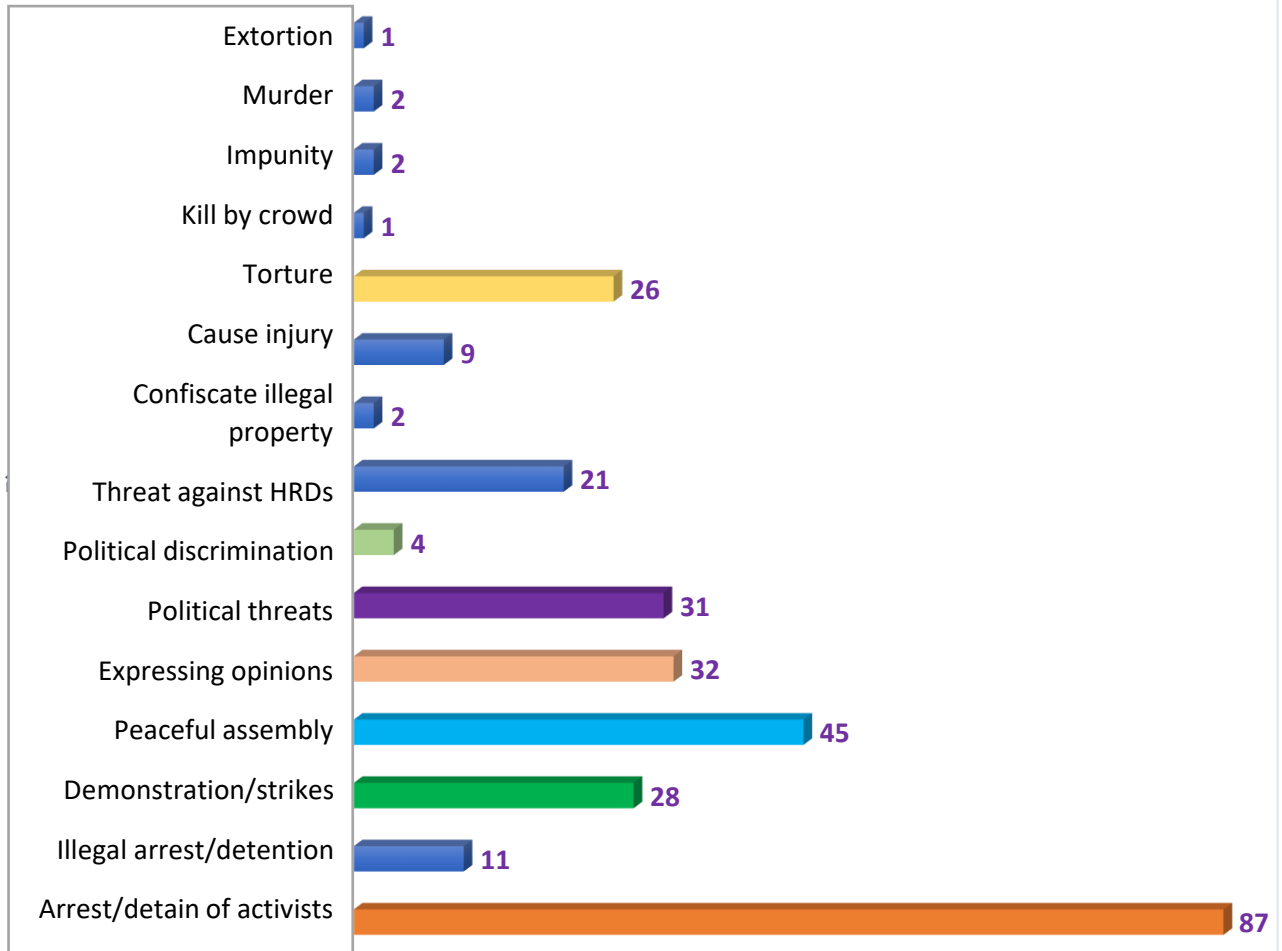
Such practices seriously impact the right to access justice, as guaranteed under the International Covenant on Civil and Political Rights, particularly Article 14(3)(b)-(c) (the right to a prompt trial and access to legal counsel and case files) and Article 9 (protection against arbitrary detention).

**Threats and the use of state mechanisms in a political context:** Data recorded 35 cases of threats and discrimination against political activists, with similar patterns such as summoning activists for meetings and pressuring them to resign from their party or join another party (party defecting). The use of criminal charges as a tool to instill fear, pressure, and impose political conditions for release may undermine freedom of association and political rights, contrary to the principles of the rule of law and institutional independence. These rights are protected under Cambodian law, including Article 35 of the Constitution (the right to participate actively in political life) and Article 42 (freedom of association and political party formation), as well as international law such as Article 22 of the International Covenant on Civil and Political Rights and Article 20 of the Universal Declaration of Human Rights.

**Torture and forced confessions:** Data recorded 26 cases of torture during interrogations, involving the use of violence to force confessions and thumbprints on written statements.

Such practices contradict the Constitution of the Kingdom of Cambodia (Article 39), the Criminal Procedure Code (Article 321), the Convention Against Torture (Articles 2 and 15), and Article 7 of the International Covenant on Civil and Political Rights. Moreover, victims' fear of filing complaints highlights the independence and effectiveness of the justice system, from the stage of judicial police to witness protection mechanisms.

**Human rights cases data in 2025 ( 215 cases, including 87 cases of arrest and detention of activists )**



## II. Human Rights

In 2025, ADHOC monitored, investigated, and intervened in 215 cases of human rights violations and restrictions on freedoms that occurred across target provinces nationwide. In particular, fundamental freedoms continued to be restricted and violated, such as freedom of peaceful assembly, with 45 cases in which authorities closely monitored gatherings, accounting for approximately 80% of the total number of participants (5,092 people).

Among the 215 cases, there were 15,039 direct victims (50.3% women). Of these, 75% were economically disadvantaged (49.3% in debt), while 25% were of middle-income status.

Out of the 215 cases, only 8% (18 cases) were filed as complaints with competent authorities or the courts, while 92% (195 cases) were not reported. The three main reasons were:

1. 52% (102 cases): Lack of trust in authorities to resolve the issues
2. 20% (38 cases): Deterrence to engage in lengthy processes, especially with current court procedures
3. 28% (55 cases): Fear of threats from powerful and wealthy involved parties

The lack of trust in authorities and reluctance to engage with court procedures reflect concerns regarding the independence of the justice system and the effectiveness of authorities and courts in resolving cases.

66% (140 cases) were intervened by ADHOC through submitting letters to relevant institutions, direct meetings with authorities, public statements through media, issuing press releases, and providing legal advice.

**Causes of restrictions and violations of freedoms:** These are mainly caused by perpetrators intending to intimidate and undermine victims. According to the report, 44% of the 215 cases involved intimidation aimed at deterring victims, 24% involved abuse of power or position, 17% were politically motivated, and 15% resulted from criticism of the government and pressure to accept imposed solutions.

**Situation of victims:** Victims of restrictions and violations of freedoms are mostly political activists and individuals working for the public interest, such as human rights defenders, land activists, forest activists, environmental activists, trade union members, civil society organization staff, community representatives, and journalists. According to the 2025 report, 4 victims died in different provinces: Banteay Meanchey Province: One person died after being transferred from the provincial prison to the Cambodia–Japan Friendship Hospital in Mongkol Borei district (case related to illegal possession/transport of weapons and aggravated intentional violence). Preah Sihanouk Province: One person died in a case involving violence, property destruction, and house burning by a group. Prey Veng Province: One person died due to group violence. Kampong Speu Province: One person died after a commune police chief shot them in the left chest with an AK rifle, causing them to fall into a canal. Additionally, 28% (60 individuals) of victims were placed in pre-trial detention, 4 individuals were under court supervision, and 2 individuals were sentenced to imprisonment. At the same time, 42% (90 individuals) continued to experience fear regarding their safety and security.

**Situation of perpetrators:** Perpetrators in cases of restrictions and violations of freedoms are mostly local authorities, including police forces, military police, armed forces, and civil authorities. A smaller number are civilians acting under orders from powerful or wealthy individuals. According to the 2025 report, only 4 perpetrators were arrested and placed in pre-trial detention, 1 fled, and 2 others received administrative punishments.

## 1. Fundamental freedoms

Fundamental freedoms are the backbone guiding the implementation of basic human rights in promoting respect, protection, democracy, and the rule of law—especially freedom of expression and freedom of peaceful assembly.

### 1.1 Freedom of expression

The report recorded 32 cases of restrictions on freedom of expression. Among these, 59% (19 cases) involved pre-trial detention under the charge of “incitement” pursuant to Articles 494 and 495 of the Criminal Code of the Kingdom of Cambodia, following expressions made on social media. Most of those affected were youth—high school students and university students—many of whom were relatives of political activists or were themselves active in social issues. Even in cases without pre-trial detention, there were psychological impacts such as fear, intimidate, and fleeing. Notable cases include:

1. **Phnom Penh:** On May 30, 2025, Mr. A.S., a fourth-year accounting student and company employee, was arrested and taken for questioning at the Commisariat of Phnom Penh Municipal Police after posting critical opinions on social media. He was subsequently sent to pre-trial detention at Prey Sar Prison (CC1) and charged with incitement to commit a felony. Criticism of the government is generally protected under freedom of expression unless there is clear evidence of a “real and imminent risk” of violence or crime.
2. **Kandal Province:** On March 27, 2025, Mr. S.L.R., a resident of Takhmao City, was arrested and placed in pre-trial detention on charges of incitement to cause social unrest after posting criticism of the government regarding alcohol and drug issues on social media. Three days later, he was released under conditions of making a public apology to the government leaders via live video from prison. Such a condition raises questions as to whether the apology was genuinely voluntary

or made under pressure. This case may affect the right against force confession and self-incrimination.

3. **Banteay Meanchey Province:** On June 14, 2025, a monk (T.V.K.) from Slakram Pagoda was arrested after expressing opinions on social media. He was defrocked by local religious officials in Svay Chek district and then transferred to detention at Prey Sar Prison in Phnom Penh. This case affects both freedom of expression and freedom of religion, particularly raising concerns about whether defrocking prior to judicial proceedings impacts due process rights.
4. **Siem Reap Province:** On October 14, 2025, Mr. P.B. was arrested and sent to pre-trial detention at Prey Sar Prison (CC1) in Phnom Penh on charges of conspiracy related to activities conducted via telecommunications and social media (Facebook), including posting about protests in Nepal. Sharing information about international events should generally be protected unless there is clear intent to harm national security.
5. **Takeo Province:** Mr. P.Y., a 41-year-old man with a congenital leg disability living in Tropang Chhuk village, Tralach commune, Traeng district, Takeo province was arrested and detained three times: Third arrest on Oct 29, 2025: Detained in Takeo provincial prison on charges of incitement to commit a felony after expressing criticism of the government on social media. Second arrest on Mar 19, 2024: Sentenced to 18 months in prison for incitement to discrimination following strongly critical Facebook posts targeting government leaders. First arrest in 2019: Imprisoned for 5 months on charges of incitement and public insult related to criticism of government inactivity. Repeated arrests in response to critical opinions highlight the risk of criminal law being used as a tool to restrict freedom of expression.

#### Analysis:

- Pre-trial detention in cases involving expression on social media (such as Facebook) is not necessary where there is no clear indication that such expression poses a real risk of causing violence or criminal acts.
- Conditions requiring public apologies, especially when made from within prison, may affect the right not to be compelled to confess or testify against oneself. Public opinion generally views such apologies as being made under pressure rather than out of genuine free will.
- The use of charges such as conspiracy (treason-related offenses) in response to the posting of information on social media further narrows the space for freedom of expression and intensifies restrictions, creating a climate of fear within society.

The data show a trend of broadly applying the offense of “incitement” to expressions on social media (Facebook) without clear evidence demonstrating a real risk that could lead to violence or criminal acts. Such application lacks necessity and proportionality and may be contrary to the existing national and international laws, including: Article 41 of the Constitution of the Kingdom of Cambodia, which guarantees freedom of expression, assembly, and association; Article 19 of the International Covenant on Civil and Political Rights; Article 19 of the Universal Declaration of Human Rights, which guarantees freedom of expression; and General Comment No. 34 of the United Nations Human Rights Committee.

To ensure a safe environment for the peaceful exercise of freedom of expression—especially for youth and social activists—Articles 494 and 495 of the Criminal Code should be carefully reviewed and strictly applied in accordance with the principles of necessity and proportionality. Furthermore, pre-trial detention should be used only as a measure of last resort.

## 1.2. Freedom of expression through peaceful assembly



In the 2025 report<sup>3</sup>, there were 81 sensitization sessions conducted on democracy, civil rights, and political rights. Among these, 75% (61 out of 81 sessions) were restricted by local authorities<sup>4</sup>, involving actions that affected the exercise of freedom of expression through peaceful assembly. These included:

- Local authorities questioning organizers before and after sensitization activities
- Authorities intervening to block activities and requesting permits, stating that “permission must be obtained before conducting the sessions”
- Requiring prior notification
- Monitoring activities, taking photos and videos, and requesting attendance lists containing participants’ personal information such as names, phone numbers, and addresses
- Sitting in and observing the sessions until completion
- Visiting participants’ homes to question or intimidate them
- Prohibiting citizens from participating in the sessions.

These actions created an atmosphere of fear and negatively affected participants’ morale, particularly due to concerns about being negatively perceived by authorities. Preventing citizens from participating in peaceful assemblies may constitute an unjustified restriction. Furthermore, intimidation, home visits after activities, photography, and collection of personal data (attendance lists) may be considered interference with the rights to privacy and personal security, contributing to a climate of fear. These practices contradict the Constitution of the Kingdom of Cambodia, Article 41, which guarantees freedom of expression, peaceful assembly, and association; as well as Article 19 (freedom of expression) and Article 21 (freedom of peaceful assembly) of the International Covenant on Civil and Political Rights; and General Comment No. 37 of the United Nations Human Rights Committee, adopted on July 27, 2020, during its 129th session.

Requiring permission “requesting permission letters” or prior notification is contrary to Notification No. 2006 dated November 27, 2018, issued by the Ministry of Interior, which affirms that associations, NGOs, and communities have full freedom to conduct activities without needing to notify local authorities.

<sup>3</sup> In 2025, sensitization sessions on democracy, civil rights, and political rights were conducted for citizens in target communities across 81 villages, 49 communes/sangkats, and 26 districts/Khans in 16 target provinces, with a total of 2,430 participants (1,790 women), including 532 indigenous people. These sessions were carried out in the 16 target provinces where ADHOC has offices: Siem Reap, Kampong Cham, Kampong Thom, Preah Vihear, Kampong Chhnang, Oddar Meanchey, Banteay Meanchey, Battambang, Monduliri, Ratanakiri, Stung Treng, Kampong Speu, Koh Kong, Kratie, Prey Veng, and Kandal.

<sup>4</sup> District councils, commune/sangkat councils, administrative police officers, village chiefs, deputy village chiefs, and village security/people’s protection groups.

Based on the data showing that 75% of sensitization sessions were restricted, this reflects a systemic issue in the implementation of the right to freedom of expression through peaceful assembly.

### 1.3. Freedom of peaceful assembly

ADHOC monitored 45 cases of peaceful assemblies, involving a total of 5,092 participants (2,334 women). Among these, approximately 4,074 authorities (equivalent to 80% of the total number of participants) were present, monitoring the activities from beginning to end. In addition, 13% (6 cases) were obstructed by local authorities, who requested permits, asked for attendance lists, took photographs to record participants' identities, and observe training sessions until the end. These gatherings were organized by land activists, forest activists, environmental activists, human rights activists, teachers' associations, and trade unions, for common purposes such as commemorations, information dissemination, and knowledge-sharing.

General Comment No. 37 of the United Nations Human Rights Committee, adopted on July 27, 2020, during its 129th session, emphasizes state obligations under Article 21 (the right to peaceful assembly) of the International Covenant on Civil and Political Rights. It highlights that: the presence of authorities should aim to protect, not to create fear; the state has a positive obligation to facilitate and ensure the safety of assemblies; and the collection of participants' personal data must have a clear legal basis and safeguards for data protection.

The presence of authorities at peaceful assemblies must adhere to principles of non-interference with content, non-intimidation/restriction, and respect for privacy rights. Therefore, taking photos, collecting attendance lists, and monitoring without clear and legitimate public security reasons may interfere with privacy rights and create a climate of fear. This can discourage citizens from participating in public activities and reflects a risk of restricting freedom of assembly, which may undermine the exercise of human rights in a democratic society.

Such practices are contrary to the Article 41 of the Constitution, which guarantees freedom of expression, peaceful assembly, and association provided these do not infringe on the rights of others or public order, as well as Article 20 of the Universal Declaration of Human Rights (freedom of peaceful assembly and association) and Article 21 of the International Covenant on Civil and Political Rights (recognition of the right to peaceful assembly).

### 2. Demonstration and strikes

15% of cases involved local authorities closely monitoring protests and strikes from start to finish, compared to a total of 9,771 protesters and strikers (5,205 women). 89% (25) protests and strikes were organized by trade union workers, mainly to demand solutions to wage issues and to call for the release of worker representatives.

These protests and strikes by trade unions were carried out through peaceful means, such as holding banners, chanting demands, and marching to submit petitions. They were accompanied by authorities—some in uniform and others in plain clothes—who were deployed in large numbers along the streets and at protest locations to monitor the activities.

- Laws related to peaceful demonstration**
- Article 37 of the 1993 Constitution: Rights to peaceful demonstrations and strikes
  - Article 4 of Law on Peaceful Demonstration
  - Article 318 of Labor Law, Demonstration/Lockout

Authorities have a duty to facilitate and ensure the safety of the demonstrators/strikers. Cambodian law guarantees workers' rights to demonstration and strike in order to protect their professional interests. Protests concerning wage disputes and the release of their representatives fall within the scope of labor rights and trade union rights.

In practice, these demonstrations/strikes were conducted through peaceful actions—displaying banners, chanting, and submitting petitions—and are therefore protected under the Constitution, the Labor Law, and the Law on Peaceful Demonstrations. While the presence of authorities may serve the purpose of maintaining public order and security, under the rule of law, such monitoring must have a clear legal basis,

pursue a legitimate aim (genuine public order and security), and be proportionate to the number of demonstrators/strikers.

Therefore, the heavy presence of authorities—both in uniform and in plain clothes—may create fear or be perceived as intimidation or restriction, potentially undermining the freedom to protest and cause the fear of demonstrators/strikers.

### **3. Access to justice through judicial system (trial monitoring)**

In 2025, ADHOC monitored 71 hearings<sup>5</sup> at the Phnom Penh Municipal Court and eight other provincial courts. Among these cases, there were 41 felony cases and 30 misdemeanor cases, involving a total of 227 accused persons/defendants (37 women and 17 minors), and 37 plaintiffs who were victims (35 women and 2 children). Of these, 27% (19 cases) were charged by the court with “incitement.”

**Delays in hearings and the right to a speedy trial:** The report shows that 21% (15 cases) of the cases monitored by ADHOC were postponed without specifying a clear new date, due to reasons such as judges or prosecutors being busy, and in some cases the absence of defense lawyers. The right to a prompt and fair trial is guaranteed under Article 14 of the International Covenant on Civil and Political Rights (ICCPR), to which the Kingdom of Cambodia is a state party, and is also recognized under Article 31 of the Constitution. Indefinite postponements and delays may undermine the principle of a speedy trial and equality before the law, and can erode public trust in the justice system.

**Excessive pre-trial detention:** In 18% (13 cases), individuals were held in pre-trial detention for more than 9 months, extending up to 13 months. Excessive or unjustified detention may violate the right to personal liberty and the presumption of innocence. As stated in Article 202 of the Criminal Procedure Code, pre-trial detention must be limited in duration and used only as a last resort. Likewise, Article 9 of the ICCPR provides that pre-trial detention should not be the general rule and must be subject to regular judicial review.

**Hearings starting later than scheduled:** In 98% (70 cases), the actual start time of hearings was delayed beyond the time stated in the summons, typically by more than one to over two hours. For example, if a hearing was scheduled to begin at 8:00 a.m., it might actually start at 9:30 a.m. or sometimes even after 10:00 a.m. Monitoring indicates that such delays have occurred repeatedly, as also documented in the 2023 and 2024 reports.

The scheduling of dates and times in court summons is a key part of legal procedure, intended to ensure clarity, allow parties to prepare their legal defense, and guarantee the right to timely justice. Frequent delays can negatively affect the rights of all parties, especially defendants in pre-trial detention, victims, and witnesses who must spend time and money to attend hearings, as well as lawyers who must manage their schedules.

Without improvements in court management and efficiency in judicial proceedings, these issues risk seriously undermining public confidence in the judicial system, reducing the effectiveness of court administration, and impairing access to justice—contrary to the Article 14 of the ICCPR, as recognized in Article 31 of the 1993 Constitution of the Kingdom of Cambodia.

**Obstacles faced by lawyers in accessing case files:** In 90% of cases involving political issues and major land disputes, there were strict limitations on allowing lawyers to fully copy case files. The reasons given included that judges or prosecutors had not yet reviewed or signed the documents, that the cases were confidential, or that prior approval from higher authorities was required.

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<sup>5</sup> 71 cases monitored by ADHOC include new cases as well as cases carried over from 2024, for which the ADHOC provided legal representation.

Delays imposed on lawyers in accessing case files can undermine the right to effective legal defense. Article 14(3)(b) of the International Covenant on Civil and Political Rights (ICCPR) guarantees that defendants must have adequate time and facilities for the preparation of his defense. Additionally, the UN Basic Principles on the Role of Lawyers state that lawyers must have access to all necessary documents and information without unreasonable restrictions.

#### **4. Threats and discrimination against political activists**

According to the report, there were 35 cases of threats and discrimination against political activists, most of which occurred in Kampong Cham Province (13 cases), as well as in other provinces including Kampong Chhnang, Kampong Speu, Kandal, Oddar Meanchey, Pursat, Siem Reap, Takeo, and Phnom Penh. Among the 35 cases:

- 66% (23 cases) involved direct threats against political activists
- 8 cases involved threats against relatives of political party activists
- 4 cases involved political discrimination against social media users who criticized political parties and/or the government

Observations show that these acts of intimidation followed similar patterns. Local authorities would issue invitation letters to members of a political party to attend meetings at local administrative offices, but instead redirect them to meet at a political party office under the guise of bilateral discussions. During these meetings, emotional persuasion tactics were used, along with presenting resignation forms from their current party and applications to join another party.

If these efforts were unsuccessful, threats were made—for example, warning that refusal to resign from their current party and join another could lead to personal consequences. If persuasion and threats still failed, the situation could escalate to arrest and pre-trial detention, often on charges of “incitement” under Articles 494 and 495 of the Cambodian Criminal Code. In 10 cases, individuals were arrested and placed in pre-trial detention, with some later released after agreeing to certain conditions.

**National law:** Article 35 of the Constitution of the Kingdom of Cambodia guarantees the right to actively participate in political, economic, social, and cultural life. Article 42 guarantees the right to establish associations and political parties freely and without coercion. Article 2 of the Law on Political Parties ensures voluntary participation in political parties under a liberal multi-party democratic system. Article 71 of the Law on the Election of Members of the National Assembly strictly prohibits actions that violate individual freedoms, including coercion or threats forcing individuals to join a political party or vote for a particular party.

**International law:** Article 22 of the ICCPR protects freedom of association and political participation, while Article 20 of the Universal Declaration of Human Rights guarantees the right to peaceful assembly and association.

Considering both national and international law, coercion or threats forcing individuals to resign from or join any association or political party against their will constitute violations of political rights and freedom of association. In particular, practices such as the use of state mechanisms for political purposes, the use of criminal charges to instill fear, conditional releases that may restrict political freedom, and pressure on political and associational freedoms may be inconsistent with the state’s obligations to respect, protect, and fulfill human rights.

The Law on Political Parties and Election Laws guarantee citizens the freedom to establish, join, and choose political parties voluntarily. These laws strictly prohibit coercion, threats, or any interference with an individual’s freedom to make political decisions, and they ensure free and fair political competition. Citizens have the autonomy to establish or join political parties in accordance with their own will and beliefs.

The use of power to coerce or threaten members of any political party constitutes a violation of political freedoms protected by the Constitution and relevant laws. In particular, Article 71 of the Law on the Election of Members of the National Assembly strictly prohibits any person from using “coercion, threats, intimidation, or inducement to compel another individual to join a political party or vote for a particular party. Such acts are illegal and may result in penalties under Chapter 10 of the law.

Therefore, to ensure the rule of law, it is necessary to guarantee the independence and neutrality of authorities and to protect political activists from threats and all forms of discrimination.

## **5. Threats against human rights activists**

The report shows that there were 21 cases of threats against human rights activists, most of which were carried out by political party activists after human rights defenders posted messages on social media (Facebook), particularly regarding border disputes. Among these cases:

- 7 cases (33%) resulted in pre-trial detention
- 2 cases involved individuals fleeing due to fear

These threats aimed to intimidate and demonstrate pressure on human rights activists in exercising their freedom of expression online. Notably, in some cases, detainees were released under conditions requiring them to sign confessions, publicly apologize through video recordings, and cease criticizing the government on social media.

Such conditional releases may violate the legal principle of the “right not to be compelled to confess or testify against oneself”. This raises public concern that such apologies may result from coercion rather than genuine voluntary admission of wrongdoing.

Arrests, detention, or pressure imposed for expressing opinions on social media—without clear evidence of a genuine offense affecting national security or public order—may constitute violations of freedom of expression, as guaranteed under Article 41 of the Cambodian Constitution, Article 19 of the UDHR, and Article 19 of the ICCPR.

These practices may negatively impact the human rights and democracy. Therefore, there should be a review of procedures and law enforcement practices to ensure that any restrictions on rights comply with national law and international standards recognized by Cambodia.

Conditional release requiring public apology videos and confessions—if conducted under pressure or threats—may contradict the rule of law and fair trial rights, particularly Article 14(3)(g) of the ICCPR, which guarantees the right not to be compelled to testify against himself or to confess guilt. Furthermore, imposing conditions to stop criticizing the government may constitute excessive restrictions on freedom of expression beyond what is permitted by law.

The UN Declaration on Human Rights Defenders affirms that individuals have the right to promote and protect human rights freely, and that the state has an obligation to protect them from threats, coercion, and retaliation. When activists are threatened, detained, or forced to cease lawful activities, it may indicate a failure by the state to fulfill its international obligations.

## **6. Torture**

The report indicates 26 cases of torture occurring during interrogations in commune/sangkat administrative police posts, district police inspectorates, and district gendarmerie offices. In attempts to extract confessions, police and gendarmerie officers used violence against suspects accused of “drug use” or “juvenile delinquency,” including methods such as punching, kicking, and beating suspects while their hands were handcuffed. These acts caused severe pain, forcing suspects to confess and affix thumbprints to interrogation records against their will. Such violence left visible bruises and injuries on the victims’ bodies.

After obtaining confessions, officials proceeded to prepare case files for submission to the court. Meanwhile, the accused often did not dare to file complaints about torture or forced confessions due to fear for their personal safety while being held in pre-trial detention.

The use of violence and coercion to obtain thumbprints on interrogation records violates the principles of voluntariness and due process and is strictly prohibited. These acts contradict existing laws:

**National law:** Article 38 of the Constitution of the Kingdom of Cambodia prohibits torture and cruel, inhuman, or degrading treatment. Confessions obtained through coercion or torture cannot be used as evidence of guilt. Article 321 (paragraph 3) of the Criminal Procedure Code states that both physical and psychological coercion have no evidentiary value.

**International law:** The Convention Against Torture defines torture in Article 1, states in Article 2 that no exceptional circumstances may justify torture, and provides that confessions obtained through torture cannot be used as evidence—especially when violence is used by public officials to extract confessions. Article 7 of the ICCPR also prohibits torture.

The fact that victims do not dare to file complaints against torture or forced confessions at the judicial police stage reflects concerns about the independence of the justice system starting from law enforcement authorities.

According to the principle of voluntariness, suspects have the right to remain silent or respond freely without threats and have the right to legal counsel. Judicial police officers are prohibited from using violence to force suspects to admit guilt or affix thumbprints to statements outside of their genuine free will. Therefore, any statements or records obtained through coercion or violence cannot be used as evidence in court (null and void). Perpetrators of such acts must be held accountable and punished in accordance with applicable law.

## **7. Arrest and detention of activists:**

According to the 2025 monitoring report, there were a total of 87 cases of arrest and detention (87 individuals, including 3 women), with prison sentences ranging from 18 months to more than 6 years. Among these, 41 cases were charged with “incitement to commit a felony” under Articles 494 and 495 of the Cambodian Criminal Code. These charges were linked to expressions on social media (Facebook) concerning issues such as government inaction on border disputes, a draft law on revocation of citizenship, the distribution of poverty ID cards, and scam cases in Cambodia. One case resulted in release after the defendant’s wife issued a public apology video. Among the 87 cases:

- 40 cases involved political activists from 8 opposition parties
- 19 cases involved citizens actively expressing opinions on social media
- 12 cases involved journalists
- 2 cases involved monks
- 2 cases involved human rights defenders
- 1 case involved a union leader
- 1 case involved an analyst

Restrictions on freedom of expression must be clearly grounded in law, proportionate, and necessary—particularly where there is concrete evidence of potential criminal acts or violence affecting national security, public order, or the rights of others. Otherwise, such restrictions may contradict Article 41 of the Cambodian Constitution, which guarantees freedom of expression, press freedom, and freedom of assembly, as well as Article 19 of ICCPR and UDHR, including UN General Comment No. 34.

The use of Articles 494 and 495 of the Criminal Code to penalize criticism of the government and social issues has been viewed by international experts as overly broad in interpretation, potentially undermining

the principle of legal certainty. Detention based on peaceful expression may be considered arbitrary detention under interpretations by UN working groups, in line with Article 9 of the ICCPR.

The United Nations recognizes the vital role of journalists and human rights defenders in a democratic society. The detention of these groups for carrying out their professional duties or expressing opinions may constitute a violation of the state's international obligations, including Article 1 of UDHR, which affirm the right to promote and protect human rights, and Article 2 (paragraph 2) requires states to protect human rights defenders from violence, threats, retaliation, or arbitrary arrest.

### **III. Conclusion**

The 2025 human rights monitoring report shows that the human rights situation in Cambodia continues to face increasing restrictions on fundamental freedoms, political rights, and the right to access justice. The use of criminal charges—particularly “incitement”—to pressure critical expression, restrictions on peaceful assembly, threats against activists, and the use of torture during interrogations reflect recurring patterns that may undermine the rule of law and democracy.

Out of 215 human rights violation cases, there were 15,039 direct victims (50.3% women), most of whom were economically disadvantaged and in debt. Restrictions have largely targeted political and social activists, including human rights defenders, journalists, trade unions, and youth who use social media to express their opinions.

At the same time, trial monitoring data highlights key issues within the justice system, including excessive pre-trial detention, repeated postponement of hearings, and obstacles for lawyers in accessing case files—all of which affect the right to a fair trial. Additionally, fear and lack of trust in the justice system have led to 92% of cases received by ADHOC not being formally reported by victims.

Overall, these trends have a negative impact on the respect for human rights and public confidence in the justice system. To ensure a social environment that respects freedoms in line with democratic principles and the rule of law, systemic reforms, equal enforcement of the law, and respect for human rights obligations are required, in accordance with the Constitution and international standards recognized by Cambodia.

### **IV. Recommendations**

To contribute to the promotion and protection of human rights, ADHOC makes the following recommendations:

#### **To the Government:**

1. Review and revise the implementation of Articles 494 and 495 of the Criminal Code to ensure space for freedom of expression and peaceful assembly, in line with Article 41 of the Constitution of the Kingdom of Cambodia, Articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), Article 20 of the Universal Declaration of Human Rights, and UN General Comment No. 34 on freedom of opinion and expression.
2. Strengthen the implementation of the Ministry of Interior's Notification No. 2006 (dated November 27, 2018) to ensure that civil society organizations, NGOs, and local communities can conduct meetings, training sessions, and workshops without interference or restrictions. At the same time, disciplinary measures should be taken against authorities who fail to implement or act contrary to this notification.
3. Enhance the capacity of law enforcement officials on international human rights law, particularly principles of fundamental freedoms and the Convention Against Torture, to ensure the protection of citizens' fundamental freedoms. Interrogations must be conducted voluntarily, with the presence of lawyers, and mechanisms should be established to monitor, receive complaints, and protect victims of torture.
4. Ensure the right to a speedy and fair trial by improving court management and guaranteeing lawyers full access to case files.

#### **To the International Community and Development Partners:**

5. Continue monitoring and promoting the implementation of human rights obligations through United Nations mechanisms, and support programs that strengthen the justice system and protect human rights defenders.