



Factsheet—4th Cycle
The Universal Periodic Review on Cambodia

Freedom of Expression

This factsheet summarises the joint civil society submission on freedom of expression.

Review of the Recommendations from the Previous Cycle

In its 3rd cycle review, Cambodia received at least 30 recommendations related to freedom of expression, of which it supported 21 and merely noted 9. Of the laws and regulations recommended to be repealed or amended, none were. In contrast, several new decrees worsen the situation for freedom of expression. Cambodia also received recommendations to create enabling conditions for freedom of expression, but criminal cases and harassment against those who exercise this right remain common.

Criminalisation of Free Expression

Criminalisation of freedom of expression is now the norm in Cambodia. Incitement and other criminal charges are regularly leveraged against those who talk about sensitive issues, and against journalists, human rights defenders, land and environmental activists, and the political opposition. The threat of legal action is a common tactic to silence speech on sensitive issues.

Provisions of the Criminal Code, particularly incitement and defamation, have been used to harass journalists, human rights defenders, environmental activists and others who exercise their right to freedom of expression. Treason charges are also commonly used against political opponents, including mass trials of persons connected with the political opposition in 2020-2022.

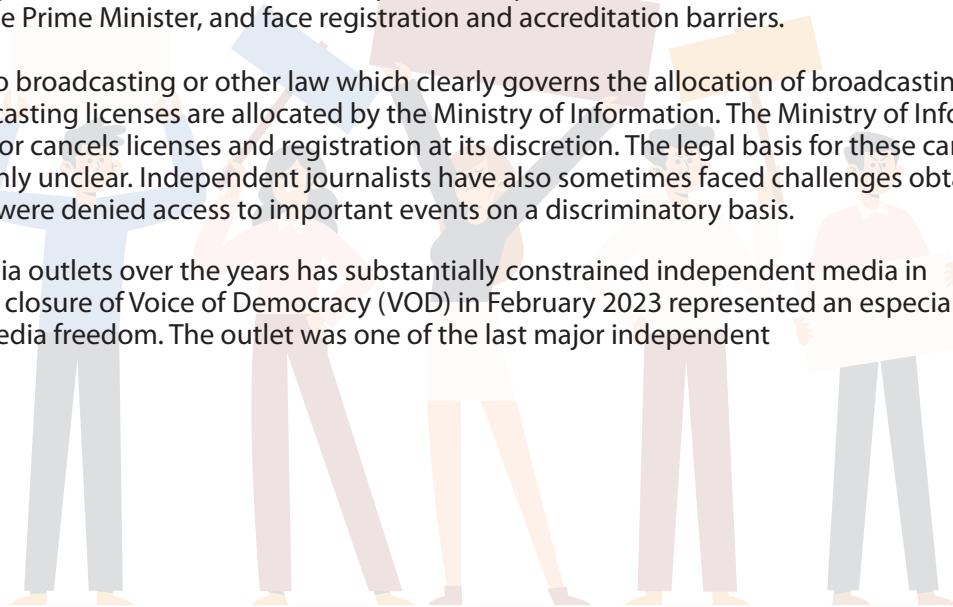


Targeting of Independent Media and Political Interference with the Media

The lack of transparency around media regulation and license allocation allows authorities to use the threat of losing a media license as a censorship tool. Independent media have been closed, including at the whim of the Prime Minister, and face registration and accreditation barriers.

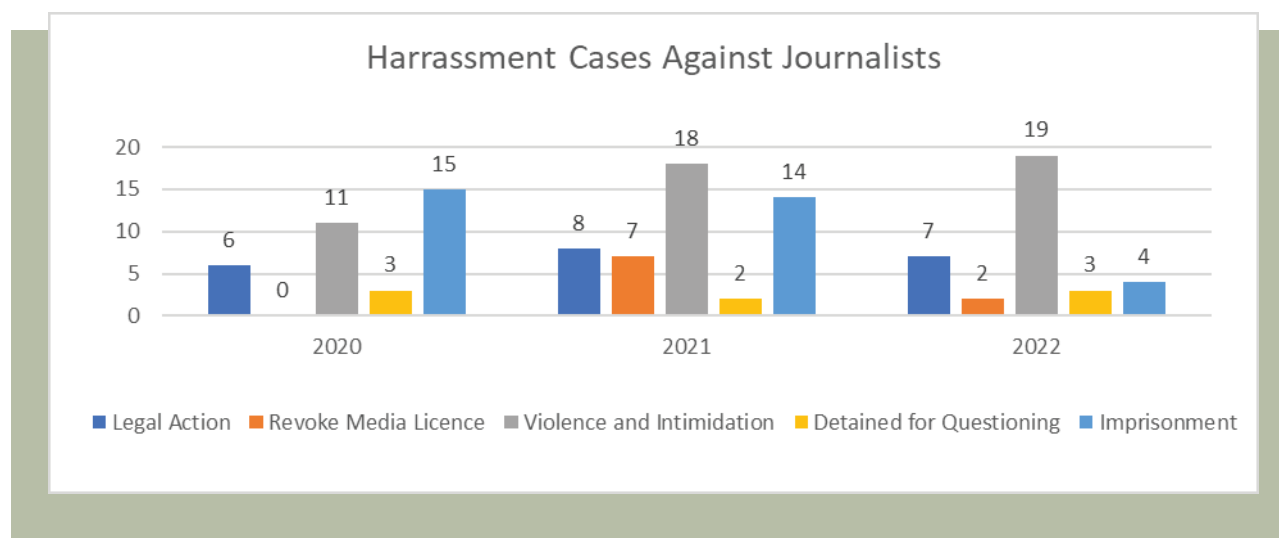
There is also no broadcasting or other law which clearly governs the allocation of broadcasting licenses. Instead broadcasting licenses are allocated by the Ministry of Information. The Ministry of Information also suspends or cancels licenses and registration at its discretion. The legal basis for these cancellations is typically highly unclear. Independent journalists have also sometimes faced challenges obtaining their press cards or were denied access to important events on a discriminatory basis.

Closure of media outlets over the years has substantially constrained independent media in Cambodia. The closure of Voice of Democracy (VOD) in February 2023 represented an especially egregious intrusion on media freedom. The outlet was one of the last major independent media outlets.



Harassment of Journalists and Journalist Safety Concerns

Journalists experience acts of intimidation and harassment by both State and non-State actors, including violence and threats of violence. There is continued impunity for these acts. Senior officials use derogatory language towards journalists. Criminal charges are the default response to complaints about the press and are often used as an intimidation tactic.



A CCIM survey of independent journalists and others in the media field in Cambodia found that 39% of respondents had experienced legal harassment because of their work, while 39% had also experienced physical assaults and 64% had faced psychological threats.

Recommendations

To better protect freedom of expression in line with the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights, Cambodia should:

1. Amend the Criminal Code to align with international freedom of expression standards, including to repeal or amend the incitement crimes (Art. 494, 495) and to repeal the lèse majesté offense (Art. 437-bis), public defamation (Art. 305) and public insult (Art. 307), as recommended previously in the UPR process.
2. Enact a broadcasting law that establishes an independent broadcasting authority and clear and neutral rules for allocating broadcasting licenses, in line with international standards.
3. Amend the Press Law to align with international standards, establish clear rules around press accreditation and press registration, and refrain from licensing online media.
4. Within the next two years, develop and implement training initiatives for law enforcement on respecting the rights of journalists to report and record at protests and other public events.
5. Enact an access to information law that aligns with international standards, as recommended in prior UPRs, by the end of 2024.
6. Hold meaningful consultations on draft laws which impact freedom of expression to allow civil society to provide inputs and to ensure alignment with the ICCPR, including the draft laws related to cybercrime, cybersecurity, and personal data protection.
7. Amend the Law on Non-Governmental Organizations (LANGO) to align with international standards on freedom of association and expression, as recommended in the prior UPR.



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