

PRESS FREEDOM



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Produced By:



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Cambodian Center for Human Rights

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About CCHR

The Cambodian Center for Human Rights (“CCHR”) is a non-aligned, independent, non-governmental organization (“NGO”) that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout the Kingdom of Cambodia (“Cambodia”). CCHR’s vision is of a non-violent Cambodia in which people can enjoy their fundamental human rights, are empowered to participate in democracy, and share equally the benefits of Cambodia’s economic development. CCHR promotes the rule of law over impunity, strong institutions over strong men, and a pluralistic society in which variety is welcomed and celebrated, rather than ignored and punished. CCHR’s logo – a dove flying in a circle of blue sky – represents the twin principles of peace and freedom.

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About the Press Freedom Module

This module on press freedom has been produced as part of the Advancing Rights in Cambodia (“ARC”) Project to raise Cambodian citizens’ awareness about the importance of press freedom. This module covers the definition of press freedom and its importance. It also covers the legal framework of press freedom, under both Cambodian and international law. This module also discusses the legal limitations to press freedom in Cambodia.

Queries and Feedback

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Press Freedom

Press Freedom

1. Introduction

Press freedom or media freedom is fundamental to a democratic society. It enables people to seek out and circulate news, information, ideas, comments and opinions. The press also provides a platform for numerous voices to be heard. It is used to monitor for transparency and to hold the government accountable. A free and independent press therefore ensures rule of law and democracy.

2. What is press freedom?



Press freedom refers to the circulation and publication of information via radio and TV channels, in printed newspapers or magazines, on social media or other digital platforms, free from governmental or third party interference. Freedom of the press encourages freedom of expression and enables a flourishing democratic society. Press freedom is a right which is typically protected by international human rights treaties and national constitutions.

3. Why is press freedom important?

A free press is crucial to a democratic society. It enables society to exercise their right to freedom of expression which is a fundamental human right. A free press investigates issues in order to disseminate news, information, ideas, comments, and opinions which help hold government accountable for their actions or expose government wrongdoing. A free press not only functions as a watchdog but also keeps citizens informed of information that is vital to the public interest, strengthening democracy as a result.



- **A free press helps inform the public**

Knowledge is power and without the free exchange of information, in print, on TV, via the radio or online, people are unaware of the democratic situation in their society or of issues that may affect them. A lack of information means individuals cannot meaningfully participate in their communities or in decision-making processes. Press freedom enables the exercise of the right to access of information, which empowers society to learn about matters of significant public interest. When press

freedom is respected and recognised, the media and individuals can freely report on politics, economics, and important societal events.

- **A free press informs voters and strengthens democracy**



Democracy only flourishes when voters are informed. Informed voters understand issues that affect them and matters that are of significant public importance, allowing them to make educated choices. A free press keeps society informed about policies and politicians and helps voters decide who best represents their interests. Independent journalists help inform society by investigating issues, analysing information, encouraging discussion, and fact-checking stories. When the press is free, society is better informed and not

overly influenced by political interests, which, in turn, strengthens democracy.

- **Discovery of truth**



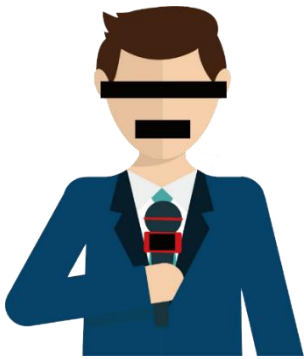
A crucial aspect of independent journalism and free press is the ability to conduct thorough investigations on issues of public importance to accurately report on issues. Through investigations, a free press can bring important information into the public space. Accurate information is crucial to public debate and to a democratic society as it influences policies at local, national, and international levels.

- **An independent press can hold powerful interests to account**

Independent reporting plays a crucial role in the checks and balances of a democracy. An independent and accurate press helps to hold powerful and wealthy people or institutions accountable. The truths that investigative journalism uncovers garner public attention which promotes scrutiny and can remedy corruption or human rights abuses. A strong, independent media ensures transparency and accountability.



- **Without press freedom, independent reporting is restrained**



In places where press freedom is not respected, independent journalists must self-censor or put their livelihood or safety at risk. When the media cannot accurately report on issues for fear of legal or criminal repercussions, journalists either do not report the full story, or choose to report on ‘safer’ topics instead. This impacts the free flow of information and leads to the public being ill-informed on issues of public interest. Respect for freedom of expression is an essential element for a functioning and accurate media.

- **Press freedom gives a platform to other human rights**



Press freedom enables the realization of other human rights. A free press can expose human rights abuses such as torture, discrimination against women or lesbian, gay, bisexual, transgender, intersex, and queer (“LGBTIQ”) individuals, or land rights abuses just to name a few. It also enables the rights to freedom of assembly and association and facilitates civic engagement. In the absence of free and accurate reporting, many human rights abuses

would remain hidden. Press freedom allows people to speak their minds freely and to engage in democracy. It also empowers marginalized communities to advocate for their rights to create tangible change in government policies.

- **Marginalised and minority issues get greater visibility**



Press freedom guarantees individuals and groups the right to tell their own stories, without fear of repercussions. Press freedom empowers marginalized communities to speak out and be heard on issues such as workers’ rights, women’s and LGBTIQ rights, disabled rights, ethnic and religious minorities rights or indigenous rights. Press freedom provides a platform for these communities to express their opinions and to advocate for themselves and others.

4. Threats to press freedom around the world

Because of the information that journalists and media workers publish – information that can go against powerful interests or that can highlight Governments’ shortcomings, failures or wrongdoings – journalists and media workers can sometimes be seen as threats that must be silenced. Around the world, journalists and media workers therefore face many dangers, at the hands of both authorities and third parties. These risks include, but are not limited to, the following:

Judicial harassment and imprisonment;

Offline and online harassment and intimidation;

Censorship and the blocking of news or websites;

Arbitrary detention;

Physical attacks;

Murder, enforced disappearance and torture; ...

5. Press freedom in Cambodia

Freedom of expression and freedom of information are fundamental human rights which are guaranteed under Cambodian and international law. Press freedom is a crucial component of these rights and is a right that is increasingly threatened around the world. Even in democratic countries, press freedom can face many challenges.



In Cambodia, press freedom is increasingly under threat. More than a dozen journalists have been killed since 1992 in Cambodia. Journalists also frequently face judicial harassment for their legitimate reporting activities, media licenses are arbitrarily revoked, physical attacks against journalists go unpunished, intimidation of and threats against journalists are common... This has resulted in

Cambodia ranking very low in Reporters Without Borders' [2021 World Press Freedom Index](#), at 144 out of 180 countries assessed

6. Press freedom under Cambodian and international law



National law

- **The Constitution of the Kingdom of Cambodia (“the Constitution”)**

The right to freedom of expression is protected by **Article 41** of the Constitution of the Kingdom of Cambodia (“the Constitution”), which states that “*Khmer citizens shall have freedom of expression of their ideas, freedom of information, freedom of publication and freedom of assembly.*” **Article 31** of the Constitution gives constitutional status to the international human rights treaties

Cambodia has ratified, many of which protect freedom of expression and freedom of the press.

- **The Law on the Press 1995 (“the Press Law”)**

Article 1, “*assures freedom of the press and freedom of publication*” according to Articles 31 and 41 of the Constitution.

Article 3 guarantees the right to freedom from pre-publication censorship.

Article 4 guarantees the non-penalization of publications of official information that are fully true or accurate summaries of the truth.

Article 5 provides for the right of the press to access information in government-held records.

Article 20 guarantees that no person shall face criminal liability for the expression of an opinion.

- **International law**

Article 19 of the **Universal Declaration of Human Rights (“UDHR”)** states “*everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.*”

Article 19 of the **International Covenant on Civil and Political Rights (“the ICCPR”)**, to which Cambodia is a party, requires State Parties to guarantee the right to freedom of expression and information including the right to hold opinions without interference, and “*the right to seek, receive, and impart information and ideas of all kinds through any medium and regardless of frontiers.*”

Additionally, in General Comment 34 to the ICCPR, the Human Rights Committee clarified the means States must take to protect the rights of media users, particularly, to encourage an independent and diverse media. Therefore, the government has an obligation to promote and guarantee a diverse and independent media.

7. Legal limitations to press freedom in Cambodia

Despite the existence of legal protections, journalists and independent media outlets are often the target of harassment and intimidation in Cambodia. While the Press Law and the Constitution protect freedom of expression, other national laws or policies impermissibly restrict freedom of expression and press freedom.



- **The Cambodian Criminal Code**

Article 305 imposes hefty fines and potential criminal sanctions for an act of defamation. Under Article 305 defamation can mean “*any allegation or charge made in bad faith which tends to injure the honor or reputation of a person or an institution.*”

Article 437-bis, which punishes lèse-majesté, imposes hefty fines and criminal sanctions against individuals who insult the King through “*any speeches, gestures, scripts/writings, paintings or items*”. Additionally, legal entities including media outlets “*may be held criminally responsible for offence committed on their behalf by their organs or representatives*” through **Article 42**.

The broad language of these provisions allows authorities to enforce the law arbitrarily and prevents independent journalists and media outlets from reporting accurately on information related to the King, a government institution, or powerful officials, for fear of criminal sanctions.

- **The Press Law**

Article 14 provides for restrictions on publications, including material “*which affects the good custom of society.*” This imprecise language gives the court system too much power of interpretation on whether an offense has been committed. Article 13 could be enforced in a manner which could target journalists or independent media outlets over their legitimate reporting.



- **The Constitution**

Amendments made to **Articles 42 and 49** of the Constitution in 2018 require political parties and Khmer citizens to “*primarily uphold the national interest*”. Freedom of expression can therefore now be deemed unconstitutional if it directly or indirectly affects the “national interest” These amendments could impose undue restrictions on independent journalists.

- **Policies**

In January 2021, the General Commissariat of the National Police issued a directive to the municipal and provincial police prohibiting journalists from filming police investigations on criminal activities. In October 2021, Phnom Penh police instituted a policy which bans journalists from live-streaming authorities “*enforcing laws on the streets.*” Both policies impermissibly restrict press freedom.

Quiz

1. **What is press freedom?**

- A. Press freedom is the ability to seek, receive and impart information and ideas.
- B. Press freedom is the ability to hold opinions without interference.
- C. Press freedom is the circulation and publication of information via radio and TV channels, in printed newspapers or magazines, on social media or other digital platforms, free from governmental or third party interference.

2. **What is a free and independent press?**

- A. A free and independent press disseminates information to the public under governmental or third party influence and interference with the aim to serve government or corporate interests.
- B. A free and independent press disseminates information free from governmental or third party interference, inform society by investigating issues, analyzing information, encouraging discussion, and fact-checking stories that help hold the government accountable for their actions

3. **Press freedom enables the exercise of the right of access to information. If press freedom is restricted, the exercise of the right of access to information will also be undermined.**

- A. True
- B. False

4. **Why is press freedom important?**

- A. Press freedom enables to investigate issues in order to disseminate news, information, ideas, comments, and opinions which help hold governments accountable for their actions or expose government wrongdoing.
- B. Press freedom encourages freedom of expression and enables a flourishing democratic society.
- C. Press freedom keeps citizens informed of information that is vital to the public interest, and strengthens democracy.
- D. Answer A, B and C

5. **The dissemination of information that can go against powerful interests or highlights Governments' shortcomings, failures, or wrongdoing can be prohibited by governments without violating press freedom.**

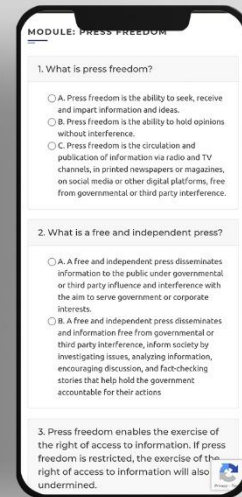
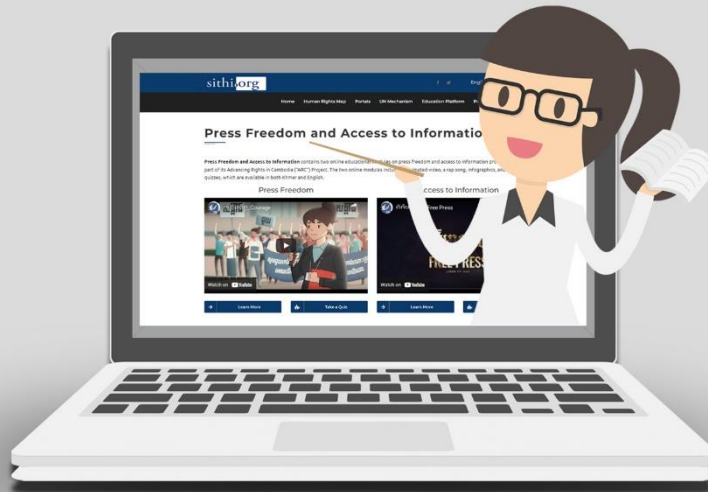
- A. True
- B. False

6. **What are the most common threats to press freedom?**

- A. Judicial harassment and imprisonment of journalists;

- B. Offline and online harassment and intimidation of media outlets;
 - C. Censorship and blocking of news or websites;
 - D. Answer A, B and C
7. **Press freedom is a fundamental right guaranteed by Cambodian and international law. However, press freedom can still be threatened.**
- A. True
 - B. False
8. **Khmer citizens have the rights to freedom of expression, freedom of information and freedom of publication. According to the Cambodian Constitution. Which article of the Constitution of the Kingdom of Cambodia protects these rights?**
- A. Article 39
 - B. Article 40
 - C. Article 41
9. **The Universal Declaration of Human Rights states “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.” Which article of the Universal Declaration of Human Rights mentioned this rights?**
- A. Article 9
 - B. Article 10
 - C. Article 19
10. **The Article 19 of the International Covenant on Civil and Political Rights to which Cambodia is a party, requires State Parties to guarantee the right to freedom of expression and information including the right to hold opinions without interference, and “the right to seek, receive, and impart information and ideas of all kinds through any medium and regardless of frontiers.”**
- A. True
 - B. False

MODULES RELATED TO PRESS FREEDOM *and* ACCESS TO INFORMATION



or scan here:



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<https://sithi.org/>

>Education Platform

>>Press Freedom and Access to Information