



**Joint Submission for the UN Universal Periodic Review for the 46<sup>th</sup> Session of the UPR  
Working Group  
Cambodia**

**Freedom of Expression**

The following organizations jointly submit the report:

**Cambodian Center for Independent Media (CCIM)**

Address: No. 14, Street 392, Boeng Kengkang 1, Boeng Kengkang, Phnom Penh, Cambodia  
 Website: <https://ccimcambodia.org/>  
 Contact: [info@ccimcambodia.org](mailto:info@ccimcambodia.org)

**Advocacy and Policy Institute (API)**

Address: #124, St. 388, Toul Svay Prey 1, Chamkarmon, Phnom Penh, Cambodia  
 Website: <https://apiinstitute.org/>  
 Contact: [apioffice@apiinstitute.org](mailto:apioffice@apiinstitute.org)

**Alliance for Conflict Transformation (ACT)**

Address: #69, Street Sothearos, Tonlebasac, Camkarmorn, Phnom Penh, Cambodia  
 Website: <https://act-kh.org/>  
 Contact: [act@act-kh.org](mailto:act@act-kh.org)

**Cambodian Institute for Democracy (CID)**

Address: No. 1, Street 1, Choam Chao III, Por Senchey, Phnom Penh, Cambodia  
 Website: <https://www.cid.asia/>  
 Contact: [info@cid.asia](mailto:info@cid.asia)

**Cambodian Center for Human Rights (CCHR)**

Address: #798, St.99, Boeng Trabek, Chamkarmon, Phnom Penh, Cambodia  
 Website: <https://cchrcambodia.org/>  
 Contact: [info@cchrcambodia.org](mailto:info@cchrcambodia.org)

**Cambodian Female Journalist Network (CFJ)**

Website: <https://www.facebook.com/CFJCambodia>  
 Contact Email: [cfjcambodia@gmail.com](mailto:cfjcambodia@gmail.com)

**Cambodia Human Rights and Development Association (ADHOC)**

Address: No. 3, Street 158, Boeung Raing, Daun Penh, Phnom Penh, Cambodia

Website: <https://www.adhoccambodia.org/>

Contact: [info@adhoccambodia.org](mailto:info@adhoccambodia.org)

**Cambodian Journalist Alliance Association (CamboJA)**

Address: #19, St. 388, Tuol Svay Prey I, Boeng Keng Kang, Phnom Penh, Cambodia.

Website: <https://www.camboja.net/>

Contact: [communications@camboja.net](mailto:communications@camboja.net)

**Center for Alliance of Labor and Human Rights (CENTRAL)**

Address: #359 st.69BT, Boeng Tumpun, Menchey, Phnom Penh, Cambodia

Website: <https://central-cambodia.org/>

Contact: [info@central-cambodia.org](mailto:info@central-cambodia.org)

**The Committee for Free and Fair Elections in Cambodia (COMFREL)**

Address: #138, St. 122, Teuk Laak I, Tuol Kork, Phnom Penh, Cambodia

Website: <https://comfrel.org/>

Contact: [comfrel@comfrel.org](mailto:comfrel@comfrel.org)

**Community Legal Education Center (CLEC)**

Address: #237 Group 16, Phum Thmey, Sangkat/Khan Dangkor, Phnom Penh, Cambodia

Website: [www.cleccambodia.org](http://www.cleccambodia.org)

Contact: [admin@cleccambodia.org](mailto:admin@cleccambodia.org)

**Community Translation Organization (CTO)**

Address: NR.06, #099, Group 1, Tnal, Sro Ngae, Siem Reap, Cambodia

Website: <https://ctocambodia.org/>

Contact Email: [chai@humantranslation.org](mailto:chai@humantranslation.org)

**The NGO Forum on Cambodia (NGOF)**

Address: #9-11, St.476, Toul Tompoung 1, Phnom Penh, Cambodia

Website: <https://www.ngoforum.org.kh/>

Contact: [info@ngoforum.org.kh](mailto:info@ngoforum.org.kh)

**Transparency International Cambodia (TIC)**

Address: #13, Street 554, Boeung Kak 1, Tuol Kok, 12151, Phnom Penh, Cambodia

Website: <https://www.ticambodia.org/>

Contact: [piseypech@ticambodia.org](mailto:piseypech@ticambodia.org)

**Youth Resources Development Program (YRDP)**

Address: #93, St 590, Boeungkak II, Tuol Kok, Phnom Penh, Cambodia

Website: <https://www.yrdp.org/>

Contact Email: [info@yrdp.org](mailto:info@yrdp.org)

**Submission to Cambodia’s 4<sup>th</sup> UPR by Civil Society Organizations: Freedom of Expression**

1. Cambodia has ratified the ICCPR and is responsible for protecting freedom of expression under Article 19 of the ICCPR. This incorporates a responsibility to promote freedom of expression, refrain from restricting freedom of expression unless justified according to the three-part test in ICCPR Article 19(3), ensure access to information and respect media freedom.
2. Freedom of expression in Cambodia has deteriorated since the last UPR, and recommendations accepted by Cambodia have not been implemented. Major issues of concern include criminal sentences and arrests of those who exercise their right to freedom of expression, attacks on the independent media including the closure of media outlets and acts of intimidation and harassment against the media.
3. This submission reviews major freedom of expression concerns and makes recommendations. It first provides a brief summary of the implementation status of recommendations previously accepted by Cambodia.

**Review of Prior Recommendations**

4. In Cambodia’s 3<sup>rd</sup> cycle review, it received at least 30 recommendations related to freedom of expression, of which it supported 21 and merely noted 9.<sup>1</sup> The following table summarises those recommendations and comments on their implementation.

<b>Summary of Supported Recommendations Related to Freedom of Expression</b>	<b>Has the Recommendation Been Implemented?</b>
<p>Bring laws, policies and regulations related to freedom of expression in line with international law (Denmark, 110.105; Sweden, 110.94; Italy 110.93)</p> <p>Specific recommendations include:</p> <ul style="list-style-type: none"> <li>● Revoke/revise Prakas No. 170 (France, 110.81; Sweden 110.94; Germany 110.83; United States, 110.98)</li> <li>● Amend the Law on Telecommunications (Switzerland, 110.95)</li> <li>● Adopt an access to information law in line with international standards (Switzerland, 110.95)</li> <li>● Revise 2018 Constitutional amendment (France, 110.81)</li> </ul>	<p><u>No.</u> Relevant laws have not been amended to improve protection for freedom of expression. In contrast, several new decrees worsen the situation for freedom of expression.</p> <p><u>No:</u> Prakas No. 170 has not been revoked or revised and there has been no indication the government plans to do so.</p> <p><u>No:</u> No amendments have been enacted.</p> <p><u>No:</u> There has been a draft Access to Information Law since 2020 but it has not been enacted and needs further reforms to align with international standards.</p> <p><u>No:</u> The amendment has not been revised.</p>

<p>Adopt measures and create conditions to ensure freedom of expression, both online and offline (Colombia, 110.86; Costa Rica, 110.87; Switzerland, 110.95; Brazil 110.101; Lithuania 110.106)</p>	<p><u>No</u>: Criminal cases and harassment against those who exercise their right to freedom of expression remain common. Monitoring of online speech has intensified.</p>
<p>Protect human rights defenders, land and environmental activists and civil society, and ensure free civic space, including by revising LANGO (France, 110.24; Netherlands; 110.110; Japan, 110.103; Ireland, 110.91; Norway; 110.88; Iceland, 110.95; Italy; 119.93; Czechia, 110.14; Lithuania, 110.106)</p>	<p><u>No</u>: Civic space has narrowed and there are ongoing acts of harassment against civil society and activists. Some consultations on the LANGO were conducted but it has not been revised.</p>
<p>Implement measures to strengthen the independence of the media and remove interference or undue restrictions on the independent media (Italy, 110.118; United States, 110.98; Ireland, 110.91; Norway, 110.88)</p>	<p><u>No</u>: Instead, government attacks and license revocations have restricted the independent media further.</p>
<p>“Take all measures” to ensure a safe environment for freedom of expression of journalists and others, including to “investigate and sanction” all violence against them (Argentina, 110.99); “effectively and thoroughly investigate all attacks against journalists” (Lithuania, 110.106).</p>	<p><u>No (but one positive measure noted)</u>: Acts of violence and harassment against journalists have not been effectively investigated. There has been a positive step to establish a lawyers committee to support journalists, but there has been no broader sustained effort to address safety issues.</p>
<p>Refrain from prosecuting persons for exercising fundamental rights under the Criminal Code and Law on Telecommunications (Netherlands, 110.110)</p>	<p>Criminal Code: <u>No</u>. Individuals are regularly charged and imprisoned for exercising their freedom of expression in circumstances not justified by ICCPR Article 19(3).</p> <p>Law on Telecommunications: <u>Yes</u>. The authors are not aware of any criminal charges brought under the Law on Telecommunications.</p>

Criminalisation of Free Expression

5. In the last few years, criminal charges and other lawsuits have been regularly weaponised against those who discuss or report on sensitive topics. In 2022 alone, for example, CCHR counted 37 SLAPPs (Strategic Lawsuits Against Public Participation) filed against 79 individuals on account of their exercise of freedom of expression. Most of these targeted land and environmental activists (41%) and labour activists (32%), as well as members of the political opposition (13%) and journalists (10%).<sup>2</sup>

6. Numerous provisions of the Criminal Code do not align with international standards and have been used to harass journalists, human rights defenders, environmental activists and others who exercise their right to freedom of expression. Since the last UPR, there has been no apparent progress to address or reform problematic provisions in the Criminal Code.
7. Incitement crimes, including incitement to commit a felony or disturb social security (Article 495 of the Criminal Code) and incitement to discrimination (Article 496), are overly expansive and need amendment to prevent their abuse. In practice, they are applied even more broadly than the law implies, and are commonly weaponised as a default charge against those who express all sorts of political or social criticism.
8. Incitement charges are frequently brought against journalists, even though Article 497 of the Criminal Code states that incitement through the print media should be addressed via the Press Law. For example, journalists have been imprisoned for incitement after reporting on land disputes or corruption issues.<sup>3</sup> Bringing incitement charges against journalists who merely report on contentious issues effectively criminalises ordinary journalistic work.
9. Incitement charges have also been brought against environmental activists, labour activists, artists and political opposition members for speech that discusses contentious issues but does not directly incite any specific crime.<sup>4</sup> For example, two rappers were charged with incitement for posting songs containing social themes and commenting on border disputes in late 2020.<sup>5</sup> Environmental activists planning a peaceful “one-woman march” were imprisoned for incitement to disturb social security, apparently based on their environmental campaign videos.<sup>6</sup> In such cases, convictions often rest on social media posts or messages related to contentious issues, without any specific evidence linking the posts to incitement of some particular crime or violent act.
10. Defamation has not been decriminalised. Insulting a public official can be punished by one to six days in prison and a fine; other defamation offenses can result in criminal fines. Fines can be substantially increased through compensation awards, resulting in grossly disproportionate sentences. For example, in a high-profile defamation case against an opposition party member who alleged voting irregularities, the court ordered compensation equivalent to \$1 million USD to the ruling Cambodian People’s Party.<sup>7</sup>
11. Both government authorities and political actors as well as private individuals can easily weaponize criminal defamation lawsuits as SLAPPs. Examples from 2022-2023 include criminal complaints brought by provincial health and tax departments against a news publisher who published reports about corruption, by a business owner against a community representative who complained on Facebook about the owner’s encroachment on community land, and by provincial police against a TV producer whose broadcast alleged they were complicit in bribery.<sup>8</sup>
12. In such cases, the defamation charges are often combined with crimes like malicious denunciation or incitement that carry longer prison sentences. Even though most criminal defamation charges in Cambodia do not carry imprisonment as a penalty, imprisonment often occurs anyways after a criminal defamation complaint is filed.

13. A lèse majesté provision prohibiting expression that affects the dignity of the King, added as Criminal Code Article 437-bis in 2018, can result in up to five years' imprisonment and fines. Such a provision is clearly incompatible with Cambodia's obligations under the ICCPR, particularly given the weight of its prison sentence and the vague wording of the crime. States should not have special rules criminalising insult to public figures.
14. Since the last UPR, several persons have been charged under the lèse majesté provision, including members of the political opposition, a journalist, and environmental activists.<sup>9</sup> Many of these cases focus on relatively minor or obscure criticisms of the King made in private communications, and are clearly a means of targeting critical voices rather than protecting the reputation of the King.
15. Several treason and espionage crimes are also worded in a manner which could result in restrictions on freedom of expression. For example, prohibitions on supplying a foreign state with information prejudicial to national defense (Article 445) and collecting information prejudicial to national defense (Article 446) are not written in a way that would clearly prevent charges against journalists who are merely reporting on national defence or national security issues.
16. These provisions have thankfully been used rarely against journalists, since they can carry prison sentences of up to 10 or 15 years. However, two journalists have been in a legal limbo since 2017, when they were arrested and charged under Article 445.<sup>10</sup> The trial has been consistently delayed due to lack of evidence, but the charges have not been dropped.
17. Treason charges are also commonly used against political opponents, including mass trials of persons connected with the political opposition in 2020-2022, when numerous persons were convicted of treason and incitement to commit a felony. Many of these treason charges appear to be based on simple affiliation with the political opposition or comments on social media, punishing mere expressions of political dissent and raising major freedom of expression concerns in the political space.
18. Journalists, activists and others have also been accused of spreading fake news, and faced criminal charges as a result. Article 425 of the Criminal Code prohibits sharing "false information" with the aim of inducing a belief that damage to other persons will result. During the pandemic, the Minister of Health announced that anyone who spread false news about the pandemic would be charged under Article 425, and authorities made frequent comments threatening legal charges against persons who shared "fake news" about the pandemic. On multiple occasions, the Ministry of Information has threatened legal action against journalists who report fake news or disinformation.<sup>11</sup>
19. A number of people have been imprisoned for allegedly spreading false news, although authorities seem to prefer bringing incitement charges in these cases instead of using Article 425. For example, an opposition activist was charged with incitement for posting on Facebook that two people had died from COVID-19 after the country re-opened; the presiding judge said it was fake news.<sup>12</sup> In two other examples, journalists were imprisoned

on incitement charges after reporting on the sexual exploitation of children and land disputes which authorities said were “fake news”.<sup>13</sup>

20. In response to the COVID-19 pandemic, Cambodia enacted the Law on Preventive Measures against the Spread of COVID-19 and other Severe Dangerous Contagious Diseases. This Law included a general provision criminalising obstruction of enforcement measures under the Law. Individuals posting on social media, including a news correspondent, faced criminal sanctions under this provision after they criticised the government’s COVID-19 policy.<sup>14</sup>
21. Authorities also frequently use the threat of legal action to silence freedom of expression, even if there is no basis for actual legal charges. These threats, combined with the vagueness of crimes such as incitement, make it is easy for authorities to simply declare certain topics “off limits”. As an example, the Agriculture Ministry warned people not to criticise the ministry for low crop prices; a civil servant was subsequently detained for criticising rice price policy.<sup>15</sup> Restrictions on freedom of expression in Cambodia are not operating according to carefully articulated legal restrictions which align with Article 19(3) of the ICCPR, but are rather at the discretion of authorities.
22. **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 those affiliated with the political opposition. The threat of legal action is also a common tactic to silence speech on sensitive issues.**

#### Targeting of Independent Media and Political Interference with the Media

23. The legal framework governing the media needs substantial reform, as it currently fails to protect media independence. The Press Law contains some key protections for the media but also has several notable flaws. It requires media to register with the Ministry of Information, and while this appears to be a mere technical requirement, the rules are not very clear and have in practice allowed the Ministry substantial discretion in enforcement.
24. 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. Under the 2018 Inter-Ministerial Prakas No. 170 on publication controls, the Ministry of Information also claims regulatory authority over licensed electronic media; this implies a requirement that online media must register but the legal framework is very unclear.
25. Overall, there are no clear rules or laws about media registration and licensing and the Ministry tends to rely on the law which establishes the Ministry and associated sub-decrees as justification for its authority. As a result, media registration, broadcasting licenses and even online media are essentially dependent on the good will of the Ministry of Information.

26. There are frequently delays and problems with the registration and licensing processes. For example, CamboJA only received the renewal of its media registration in July 2023, 7 months after the application was submitted. Many NGOs have also had significant challenges obtaining radio frequencies from the Ministry of Information, with negative impacts for individuals in remote and underserved regions.
27. The Ministry of Information also suspends or cancels licenses and registration at its discretion. The legal basis for these cancellations is typically highly unclear. Closure of media outlets over the years has substantially constrained independent media in Cambodia.
28. Recent examples include three online publications who lost their licenses in 2022 after publishing stories about corruption; the Ministry of Information claimed they had violated journalist ethics and business contracts.<sup>16</sup> In March 2023, the Ministry revoked the licenses of three other outlets who published reports about an official's involvement in land fraud, stating that they had violated journalistic ethics and "not followed the instruction of the ministry", apparently because they had not removed articles from their website upon request.<sup>17</sup>
29. The closure of Voice of Democracy (VOD) in February 2023 represented an especially egregious intrusion on media freedom, as the outlet was one of the last major independent media outlets in the country. A VOD story had quoted a government spokesperson who said that Hun Manet, Hun Sen's son who is now Prime Minister, had signed an agreement that his father should have signed. Via Facebook, Hun Sen said if VOD did not apologise and retract the article, it would lose its license. Two days later, in another Facebook post, he announced that he had ordered the Ministry of Information to revoke VOD's license. The Minister of Information then posted a warning on Facebook that other media would lose their licenses if they do not agree to publish clarifications.<sup>18</sup>
30. These developments show the lack of respect for media freedom in Cambodia. A country's prime minister should not be able to order the cancellation of a broadcasting license (especially via a Facebook post). Media outlets should not be closed for undefined allegations of violating journalist ethics or in retaliation for their reporting on important public interest matters. Changing this system requires clear legal rules around allocation, denial and revocation of licenses, overseen by an independent entity rather than the Ministry of Information.
31. In 2021, the Ministry of Information also established a Monitoring Committee for Journalism Ethics.<sup>19</sup> Since this Committee is housed within a government ministry and consists primarily of government officials, it cannot operate independently or as a legitimate entity for encouraging journalist ethics. Journalists are concerned that this Committee will act as an additional mechanism for exerting control over the media, although so far the Committee does not seem to be very active.
32. Journalists are not formally required to register or have an official press card, an important positive feature in the legal framework that is in line with international standards. However, press cards may still be necessary to access certain locations and events. Press cards are



issued by the Ministry of Information and the rules are not very clear. Independent journalists have sometimes faced challenges obtaining their press cards.<sup>20</sup>

33. Independent media has also been denied access to important events on a discriminatory basis. For example, VOD and VOA reporters were not allowed to cover the Prime Minister's press conference on the results of ASEAN meetings. Similarly, journalists from three different outlets were denied access to a press conference about the arrest of staff related to the Nagaworld labour dispute.<sup>21</sup>
34. At a press conference in 2022, a government spokesperson said journalists should send a letter of notification to the provincial information department if they are reporting frequently in that province.<sup>22</sup> The Minister of Information had previously rejected this requirement, so this messaging is a disappointing development. The reversal in messaging could send a message that journalists who do not notify provincial authorities of their presence are doing something illegal when they, in fact, are not.
35. As a result of these various attacks and restrictions on the independent media, media ownership is highly concentrated in Cambodia, particularly since the VOD closure. Ownership of television and print media in particular are dominated by persons with ties to the current government, although the radio sector has a greater number of independent voices.<sup>23</sup>
36. **Arbitrariness 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 have faced challenges obtaining registration, licenses, press passes and access to press events.**

#### Harassment of Journalists and Journalist Safety Concerns

37. The authors of this submission have documented numerous examples of harassment of journalists. For example, in a three-year period (2020-2022), CamboJA documented a total of 119 incidents of harassment of journalists. 33 of these incidents were acts of physical violence or threats of violence, while another 33 were imprisonment. In other incidents journalists faced threats, intimidation, detention, discrimination or legal cases.<sup>24</sup> A CCIM survey of journalists and other persons 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.<sup>25</sup>
38. Senior government officials have verbally harassed or threatened journalists, or made accusations against individual journalists. For example, in a Facebook post, the Minister of Information accused a veteran journalist of being cheap and serving the interests of foreigners. On multiple occasions, the Ministry of Information's spokesperson threatened a CamboJA journalist who asked questions about an opposition party, implying he was taking sides or was working for foreigners, and asking if he wanted to go to jail.<sup>26</sup> Former Prime Minister Hun Sen has also used negative language towards the media, calling one

journalist “silly” and saying that RFA Khmer could not reopen its Phnom Penh office unless they removed that journalist.<sup>27</sup>

39. After the VOD closure, many of their former reporters faced harassment and threats in what appeared to be a coordinated campaign. Many accounts that appeared to be fake accused former VOD staff members of being foreign agents, posting identical cartoons and an identical vulgar hashtag.<sup>28</sup>
40. The female reporter who authored the article which triggered the VOD closure was subject to misogynistic attacks, including from a prominent social media personality. When NGOs issued a letter objecting to her treatment, Prime Minister Hun Sen complained that the NGOs did not protect his family and said the NGOs should be audited.<sup>29</sup>
41. Journalists also experience other forms of harassment from State actors, sometimes including threats or violence, when reporting on stories related to environmental, land, labour, corruption or other sensitive issues. Police or other authorities have confiscated phones or equipment, forced journalists to delete photos, arrested and questioned journalists without cause, threatened lawsuits, or otherwise intimidated journalists. Some representative examples of such actions occurring since the last UPR include:
  - Members of the Prime Minister’s Bodyguard Unit detained and questioned five journalists at a wildlife preserve. An officer slapped one journalist when he refused to hand over his phone.<sup>30</sup>
  - Journalists reporting on a protest in front of the Chinese Embassy were variously asked to hand over their phones, stop filming, had a camera confiscated and/or were ordered to delete photos and leave the area.<sup>31</sup>
  - On multiple occasions, authorities at the NagaWorld labour protests threatened journalists with arrest and demanded they delete photos and videos.<sup>32</sup>
  - At a public forum, the Land Management Minister asked two female VOD reporters to stand near him and not move, and asked a bodyguard to record their names.<sup>33</sup>
  - Two publishers were questioned for 12 hours by criminal police at the Ministry of Interior about a news article about poor quality cosmetics; they were released after agreeing to alter the articles.<sup>34</sup>
  - Three journalists were broadcasting live from a land protest when they were taken to a police station and forced to sign an agreement not to do so again.<sup>35</sup>
42. In some cases, State actors have even been implicated in act of violence against journalists. Police, military police and district security guards have been suspected perpetrators in some of these cases.<sup>36</sup> In a serious example from 2022, a journalist reported that an army commander hit him and his wife after he witnessed a suspicious timber transport.<sup>37</sup>
43. Private actors also pose threats to journalists, particularly when they are reporting on land conflicts or criminal activity. On multiple occasions, timber traders and cock fighters have been implicated in acts of violence against journalists. For example, in 2020, four online journalists were attacked by men with axes, knives and sticks while sleeping in their cars

during a travel break, in an apparent act of retaliation for an investigation into forestry crimes.<sup>38</sup>

44. Private individuals may also make threats in circumstances that seem to link them to State actors. For example, a Cambodia Daily correspondent living abroad, after criticising then-Prime Minister Hun Sen and his family, received a message which appeared to be from a pro-government social media personality. The man said he would chop off the correspondent's head, threatened his family, and implied Cambodian agents could hurt him even while he was abroad. After this, a stranger knocked on the correspondent's door and a suspicious car parked outside the house for several hours.<sup>39</sup>
45. In other cases, there are apparent ties between State actors and private business or criminal interests which are implicated in acts of harassment against journalists. Such acts may therefore constitute restrictions on freedom of expression by Cambodia, but it can be challenging to find evidence that local authorities or other State officials are involved.
46. However, even where harassment is perpetrated solely by private actors, Cambodia has a responsibility to prevent, investigate and redress such acts. Instead, there is ongoing impunity for acts of harassment or violence against journalists. For example, in cases of physical violence against journalists since 2020, journalists have identified and even sued perpetrators, but none of the crimes have been successfully prosecuted.<sup>40</sup> There has also not been no notable progress in the investigations of murdered journalists since the last UPR. There have been 17 journalists killed in Cambodia since 1994; in 12 of these cases, no perpetrators have been brought to justice.<sup>41</sup>
47. More positively, the government did create a lawyers committee in the Ministry of Information in 2020 to assist journalists facing lawsuits. It is not clear yet if this committee will offer effective support or alter the current prevailing impunity, particularly in cases where threats involve government officials themselves.<sup>42</sup> Little information has been available on this committee and independent journalists have not received support from it.
48. Otherwise, Cambodia has not shown committed leadership in addressing crimes against journalists. As evidenced by the examples above, senior officials use derogatory language about the media, signalling that harassment of journalists is acceptable. In 2022, there was one example where former Prime Minister Hun Sen spoke out about the arrest of a journalist working for a pro-government TV station. However, he has not made similar comments about the arrests of other journalists.<sup>43</sup>
49. The most serious forms of harassment for journalists also arise from criminal charges. As described above, journalists are frequently charged and convicted for incitement and other crimes after reporting on sensitive topics. Although the Press Law and civil lawsuits should offer an alternative to criminal prosecutions, in reality the criminal system remains the default means of handling press complaints.
50. **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.**

### Digital Rights

51. As digital space is crucial in the modern time, digital rights are one major cross-cutting issue and a few key issues are summarized here as particularly serious from a freedom of expression perspective.
52. Legal developments in the last few years have raised new freedom of expression concerns in the digital space. Inter-Ministerial Prakas No. 170 still has not been repealed, although Cambodia accepted this recommendation in the prior UPR. This Prakas tasks the Ministry of Post and Telecommunications with blocking websites and social media pages that publish certain vague categories of content, such as undermining national security and social order or breaking solidarity. It also requires Internet service providers to install surveillance tools to enable filtering and blocking.
53. In addition, in 2021 Cambodia promulgated the Sub-Decree on the National Internet Gateway, which would create a sovereign Internet infrastructure that routes traffic through a central gateway, making it easier to monitor and block content. Operators of the gateway also must block online content which affects safety, social order, dignity, culture and other grounds. Implementation of this Sub-Decree has been delayed, but it poses a substantial threat to freedom of expression.
54. Then, in 2022, Cambodia announced a Sub-Decree on Management and Use of National Domain Names. This requires Cambodian businesses and other legal entities to use Cambodia's domain name and enables authorities to easily suspend domain names, a new tool which facilitates blocking websites. A new Sub-Decree in 2023 mandating SIM card registration also mandates IMEI registration (a phone's unique identifier number), potentially enabling additional monitoring of communications.
55. These legal changes, combined with ambiguous language in the Law on Telecommunications, appear to authorise surveillance without judicial or other independent oversight. Cambodia lacks strong data protection rules that constrain government authority to access private data.
56. In practice, the authors of this submission have documented incidents of surveillance without any apparent judicial authorisation or oversight. Comments made in private communications, monitored without a warrant, have been the basis for arrests and used as evidence. For example, some lèse majesté convictions were based on comments made in a private phone call.<sup>44</sup> Such cases have a particularly chilling impact on the ability to express oneself freely even in private conversations.
57. Monitoring of internet content and social media posts, accompanied by website blocks and legal action against content authorities disapprove of, has increased in recent years. For example, the Ministry of Information established a Fake News Monitoring Committee to

monitor social media posts. However, the Committee itself reports that most “fake news” cases it identifies relate to criticism of the government or insult to its leaders, suggesting the Committee conducts broader screening.<sup>45</sup> In 2021, the Ministry of Information said monitoring was expanding to new platforms, including Tiktok, and encrypted platforms like WhatsApp and Messenger.<sup>46</sup>

58. When government monitoring identifies content authorities find objectionable, a common tactic is to threaten legal action or engage in other harassment unless the Internet user removes the content. For example, NGOs who commissioned a rap song in memory of labour protests were threatened with incitement if they did not remove the video, while the Ministry of Culture and Fine Arts ordered police to prevent the spread of the video.<sup>47</sup>
59. News websites have been blocked in Cambodia. After VOD lost its license, its website was blocked. Other news websites have also been blocked after the news outlet loses its license, after staff were arrested or for allegedly publishing fake news about the pandemic. Just prior to the July 2023 elections, the Ministry of Information said that it had ordered internet service providers to block 17 websites for 48 hours including a number of independent media websites. Other news sites which are friendly to the government were not blocked.<sup>48</sup> A similar block had occurred during the 2018 elections.
60. In addition to news websites, Cambodia has blocked a few other notable websites, such as political opposition websites. Otherwise, there is no evidence of widescale blocking of websites on freedom of expression grounds, as authorities seem to prefer offline tactics for compelling content removal.<sup>49</sup> However, the sub-decrees enacted in recent years raise concerns that authorities are attempting to expand their legal and technical capacity to block websites.
61. Authorities have also asked social media companies to remove content. The Ministry of Information has said it reports cases of fake news, incitement and insults to Facebook, for example.<sup>50</sup> Lack of transparency around these notices mean it is difficult to know are often they actually result in content removal.
62. **New sub-decrees pose additional threats to free expression online. Persons who express opinions online are often threatened with charges unless they apologise or remove the post or face criminal charges. Some cases are based on warrantless surveillance of private communications. Authorities have ordered the blocking of news websites and ask social media companies to remove content.**

#### Lack of an Access to Information Law

63. Cambodia has not yet adopted a right to information law, despite accepting a recommendation to do so in 2018. A draft Law on Access to Information has been under development since 2007, and the most recent draft dates from 2020. The 2020 version needs some reforms to fully align with international standards, but would be an important step forward in ensuring the right to information for Cambodians.

64. Journalists are unable to consistently and quickly access important information that should be shared with the public. The Press Law contains a procedure for journalists to access information. However, government officials have no penalties for failing to comply with requests and in practice can easily ignore them. The 30-days deadline to reply is also not very meaningful in the modern rapid news cycle.<sup>51</sup> Instead, a comprehensive right to information law is needed.
65. **There is no access to information law establishing a right to access information held by the government.**

### Recommendations

To better protect freedom of expression in line with the Universal Declaration of Human Rights and ICCPR, Cambodia should:

66. 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.
67. Refrain from bringing criminal charges against journalists in retaliation for their journalistic work, against persons engaged in peaceful advocacy, or against those who are merely commenting or criticising government policies, actions and leaders.
68. Immediately drop pending charges and review criminal sentences of journalists, land and environmental activists, human rights defenders and political activists for compliance with ICCPR Article 19(3).
69. Enact a broadcasting law that establishes an independent broadcasting authority and clear and neutral rules for allocating broadcasting licenses, in line with international standards.
70. Immediately review prior decisions to revoke media licenses and reform the rules around media licensing so that media licenses can only be revoked by a court order.
71. Amend the Press Law to align with international standards, establish clear rules around press accreditation and press registration, and refrain from licensing online media.
72. Within the next two years, develop and implement training initiatives for law enforcement authorities on respecting the rights of journalists to report and record at protests and other public events.
73. End impunity by promptly investigating, prosecuting and redressing cases of violence against journalists, human rights defenders, political campaigners and others who are attacked for exercising their right to freedom of expression.

74. Provide dedicated support, training and resources to units tasked with investigating crimes against journalists, including on investigating such crimes in a gender-sensitive manner.
75. Repeal Prakas No. 170, as recommended in the last UPR, and the sub-decrees on domain name registration, mandatory SIM card registration and the national internet gateway.
76. Place clear limits on the power of authorities to engage in surveillance and to block Internet sites without a court order and revise the Telecommunications Law to align with international standards.
77. Enact an access to information law that aligns with international standards, as recommended in prior UPRs, by the end of 2024.
78. 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.
79. 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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<sup>1</sup> These numbers are based on the recommendations tagged as related to freedom of expression in the OHCHR provided matrix of past recommendations. Some other recommendations also relate to freedom of expression issues.

<sup>2</sup> CCHR, Cambodia Fundamental Freedoms Monitor, 2022 Annual Report, September 2023, p. 25

<sup>3</sup> CamboJA, Journalism Situation in Cambodia, Quarterly Monitoring Report, April-June 2023; CamboJA, Cambodian Journalism Situation Report 2022, p. 15-16.

<sup>4</sup> For examples: Phorn Bopha, Cambodia Union Leader Faces Court Verdict as Crackdown Continues, Al Jazeera, 18 August 2021, <https://www.aljazeera.com/news/2021/8/17/union-leader-in-cambodia-faces-court-verdict-amid-crackdown>; UN OHCHR, Cambodia: UN experts condemn conviction of trade union leader, systematic crackdown on human rights defenders, 24 August 2021, <https://www.ohchr.org/en/press-releases/2021/08/cambodia-un-experts-condemn-conviction-trade-union-leader-systematic>; LICADHO, Court Convicts At Least 51 in CNRP Mass Trial, 2022, <https://www.licadho-cambodia.org/articles/20220614/176/index.html>; Mech Dara, Mother Nature Environmentalists Found Guilty of Incitement, VOD, 5 May 2021, <https://vodenglish.news/mother-nature-environmentalists-found-guilty-of-incitement/>.

<sup>5</sup> Kh Sovuthy, Two Cambodian rappers convicted for songs about societal ills, CamboJA News, 22 December 2020, <https://cambojanews.com/two-cambodian-rappers-convicted-for-songs-about-societal-ills/>; Prak Chan Thul, Cambodia court jails rappers for rhymes inciting crimes, Reuters, 22 December 2020, <https://www.reuters.com/article/us-cambodia-rappers-idUSKBN28W0YB>.

<sup>6</sup> Mech Dara, Mother Nature Environmentalists Found Guilty of Incitement, VOD, 5 May 2021, <https://vodenglish.news/mother-nature-environmentalists-found-guilty-of-incitement/>.

<sup>7</sup> LICADHO, Supreme Court Upholds Son Chhay Conviction over Election Criticism, 2023, <https://www.licadho-cambodia.org/articles/20230223/181/index.html>.

<sup>8</sup> CamboJA, Journalism Situation in Cambodia, Quarterly Monitoring Report, April-June 2023, p. 18; CCHR, Cambodia Fundamental Freedoms Monitor, 2022 Annual Report, September 2023, p. 26.

<sup>9</sup> Ouch Sony, Two Ex-CNRP Members Sentenced for Insulting King in Private Call, VOD, 3 March 2021, <https://vodenglish.news/two-ex-cnrp-members-sentenced-for-insulting-king-in-private-call/>; [Cambodian reporter in detention for 'lese-majeste' | The Star](#); [Rainsy faces up to five years in prison for insulting King | Phnom Penh Post](#); [Environmental activists charged with plotting and insulting the king \(cambojanews.com\)](#)

<sup>10</sup> CCIM, Challenges for Independent Media in Cambodia 2022, p. 13.

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- <sup>11</sup> CCIM, Challenges for Independent Media in Cambodia 2022, p. 6-7; CCHR Fourth Annual Fundamental Freedoms Monitor, pg 5, <https://data.opendevlopmentmekong.net/vi/dataset/cambodia-fundamental-freedoms-monitor-year-4/resource/a39f90dd-1d18-4845-afaa-aa9df8618d24/view/bf5408b0-8656-4ba8-aa65-010cb37bffd9>; <https://www.phnompenhpost.com/national/govt-tackles-fake-news-amid-pandemic>
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- <sup>16</sup> CCHR, Cambodia Fundamental Freedoms Monitor, 2022 Annual Report, September 2023; CCIM, Challenges for Independent Media in Cambodia 2022.
- <sup>17</sup> CamboJA, Journalism Situation in Cambodia: Quarterly Monitoring Report January-March 2023, p. 6.
- <sup>18</sup> CamboJA, Journalism Situation in Cambodia: Quarterly Monitoring Report January-March 2023, p. 8-9.
- <sup>19</sup> CCIM, Challenges for Independent Media in Cambodia 2022, p. 12.
- <sup>20</sup> CCIM, Challenges for Independent Media in Cambodia 2021, p. 22.
- <sup>21</sup> CamboJA, Cambodian Journalism Situation Report 2022, p. 26.
- <sup>22</sup> CamboJA, Cambodian Journalism Situation Report 2022, p. 36.
- <sup>23</sup> CCIM, Challenges for Independent Media in Cambodia 2022, p. 7-8.
- <sup>24</sup> Summarising CamboJA Journalism Situation Reports for 2020, 2021, and 2022.
- <sup>25</sup> CCIM, Challenges for Independent Media in Cambodia 2021.
- <sup>26</sup> CamboJA, Journalism Situation in Cambodia, Quarterly Monitoring Report, April-June 2023, p. 10.
- <sup>27</sup> CamboJA, Journalism Situation in Cambodia, Quarterly Monitoring Report, April-June 2023, p. 9.
- <sup>28</sup> CamboJA, Journalism Situation in Cambodia: Quarterly Monitoring Report January-March 2023, p. 10.
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- <sup>32</sup> CamboJA, Cambodian Journalism Situation Report 2020, p. 22, 25-26.
- <sup>33</sup> CamboJA, Cambodian Journalism Situation Report 2020, p. 40.
- <sup>34</sup> CamboJA, Cambodian Journalism Situation Report 2020, p. 24.
- <sup>35</sup> CamboJA, Cambodian Journalism Situation Report 2021, p. 31.
- <sup>36</sup> CamboJA, Cambodian Journalism Situation Report 2021, p. 12; CamboJA Cambodian Journalism Situation Report 2020, p. 11.
- <sup>37</sup> CamboJA, Cambodian Journalism Situation Report 2022, p. 18.
- <sup>38</sup> CamboJA, Cambodian Journalism Situation Report 2020, pg. 12.
- <sup>39</sup> CamboJA, Journalism Situation in Cambodia, Quarterly Monitoring Report, April-June 2023, p. 7.
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<sup>47</sup> Eugene Whong, Cambodian Police Ordered to Prevent Spread of Music Video about Deadly Crackdown, RFA, [https://www.rfa.org/english/news/cambodia/workers\\_rap-01062023172215.html](https://www.rfa.org/english/news/cambodia/workers_rap-01062023172215.html).

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<sup>51</sup> CCIM, Challenges for Independent Media in Cambodia 2022, p. 9.