

**Fact Sheet:** Fundamental Freedoms Series: Silencing the Airwaves



**Fundamental Freedoms:** Freedom of Expression and Freedom of Information

**Snapshot:** The silencing of certain radio channels to coincide with the recent commune elections exemplifies the determination shown by the Royal Government of Cambodia (the “RGC”) in its attempts to stifle the media and curtail freedom of expression and information throughout the Kingdom of Cambodia (“Cambodia”) in order to secure political and electoral support. The RGC has indicated that the process will be repeated for the national elections in 2013.

## Introduction

This fact sheet highlights recent restrictions imposed on freedom of expression and information in Cambodia – manifested in a temporary ban on the operations of certain radio channels on the eve and day of the recent commune elections on 3 June 2012. Such freedoms are regularly threatened in Cambodia despite constitutional, domestic and international legal protections. The RGC consistently stifles the media by shutting down newspapers, threatening and sentencing journalists, and restricting access to television broadcasting. This ban shows that the RGC is willing to extend this approach to the airwaves. This fact sheet is written by the Cambodian Center for Human Rights (“CCHR”) – a non-aligned, independent, non-governmental organization (“NGO”) that works to promote and protect democracy and respect for civil and political rights throughout Cambodia – in collaboration with the Cambodian Center for Independent Media (“CCIM”), an NGO that promotes independent free media in Cambodia and airs programs by the Voice of Democracy (“VOD”).

## Silencing the airwaves

On 1 June 2012, the Ministry of Information contacted several radio stations in Cambodia to inform them that they were prohibited from broadcasting programs produced by VOD, Radio Free Asia (“RFA”), Voice of America (“VOA”), Radio France International and Radio Australia – programs which provide balanced and impartial information – on 2 and 3 June 2012. This ban coincided with the commune elections, which were held on 3 June 2012. Following the elections, an official from the Ministry of Information defended the ban, claiming that it was introduced in order to maintain a “quiet atmosphere” during the elections and that it was implemented legally. It is not clear what this legal basis is. Interestingly, an official for the National Election Committee (the “NEC”) claimed that the NEC were not aware of the ban. RFA, VOA and VOD all voiced their concerns regarding the ban and deplored the consequences of having had their broadcasts banned over those two critical days. A representative of VOA Khmer estimated that the ban resulted in the exclusion of hundreds of thousands of listeners, while RFA released a statement calling the decision to prohibit broadcasts “arbitrary” and “troubling.” The Broadcasting Board of Governors, which oversees RFA and VOA, condemned the decision, called the ban “contrary to the principles of free and fair elections.”

While the RGC has traditionally censored Khmer print and television media heavily, radio stations and the internet have thus far remained relatively free of government censorship and influence. Although there have been minor instances of radio censorship during past elections, this case is the first time that the RGC has censored radio stations so extensively, which raises concerns that these steps mark the start of a new trend in radio censorship. This state-imposed ban demonstrates not only the RGC’s increasing willingness to extend this approach to radio stations but also to contravene domestic and international laws to stifle discourse and debate so as to achieve political gains: by restricting which programs radio stations were allowed to broadcast on the eve and the

day of communal elections, the RGC intentionally acted to limit both freedom of expression and freedom of information (please see more below). The ban curtailed the freedom of expression of radio station producers, who were no longer able to broadcast the programs of their choice, and of the aforementioned radio programs, which were completely silenced. Moreover, it restricted freedom of information, not only by limiting what information radio stations could impart to their audiences, but also by limiting the ability of radio audiences to seek and receive information. This ban denied voters in Cambodia access to available and necessary information about the elections.

### Freedom of expression

The right to freedom of expression is protected under Cambodian law. Article 41 of the Constitution of the Kingdom of Cambodia (the “Constitution”) provides that Khmer citizens shall have the right to “*freedom of expression, press, publication and assembly.*” Furthermore, Article 35 provides that all Khmer citizens shall have the right to participate actively in the political life of the nation. In addition, Article 31 of the Constitution provides that Cambodia shall recognize and respect the Universal Declaration of Human Rights (the “UDHR”) and the covenants and conventions related to human rights, thereby incorporating the UDHR and the International Covenant on Civil and Political Rights (the “ICCPR”) into domestic law, a fact confirmed by a July 2007 decision by the Cambodian Constitutional Council that all human rights instruments to which Cambodia has acceded form part of the Constitution. Article 19 of both the UDHR and ICPR, the latter of which Cambodia acceded to and ratified in 1992, provide for the universal right to freedom of expression.

### Freedom of information

Freedom of information, also referred to as the “right to know” or the “right to access information,” is widely recognized as a fundamental human right and is inherently linked to many other rights. Access to information is also linked to the basic elements of good governance, such as transparency and accountability, and is important in building confidence and trust in government. Without access to information, citizens are left unaware of issues that directly impact on their lives, such as the different policies that different parties propose as the basis for their election campaigns. In international human rights law, freedom of information is protected as part of the right to freedom of expression protected in Article 19 of the UDHR and the ICCPR, the latter of which states that “*everyone has the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds [...] through any media of his choice.*” While there is as yet no specific freedom of information legislation in Cambodia, this right is nevertheless protected by Cambodia’s domestic and international laws on freedom of expression.

### Conclusion

The RGC must bring to an end practices that stifle freedom of expression and information and ensure that these basic human rights are respected at all times in Cambodia. Such practices negatively impact democratic processes by limiting the breadth and depth of dialogue on a wide range of issues in Cambodia. CCHR urges the RGC to take the necessary steps to ensure that the freedoms of expression and information are respected in all situations, and that relevant ministries respect the laws and standards – national and international – that protect these rights.

For more details please contact Sorn Ramana (tel: +855 (0) 1765 5591 or e-mail: [ramanasorn@cchrcambodia.org](mailto:ramanasorn@cchrcambodia.org)) or Robert Finch (tel: +855 (0) 7880 9960 or e-mail: [robert.finch@cchrcambodia.org](mailto:robert.finch@cchrcambodia.org)).