

## Right to Freedom of Expression in Cambodia

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### ABSTRACT

This research paper focuses on the human right problem in Cambodia, in particular “the Right to Freedom of Expression” which is the fundamental right of human beings. Because of the Cambodian government restricts the domestic law on the right to freedom of expression of citizens, Cambodian citizens have faced a lot of problems with their words, speech and other expression that they want to show up the world. Especially, when they show their opinions to talk about the social or national issue related to inaction of the government, they will face with arrest and detention from authority of the government. Furthermore, some journalists who dare to broadcast or release out its news relevant social issues such as land grabbing, corruption or human rights abuse and so forth, they will be sent to the prison or expelled from the country. This is the problems that really have occurred in Cambodia and that is why researcher will emphasis on research about the right to freedom of expression in Cambodia. This paper, therefore, has three main objectives in term of the right to freedom of expression researcher would like to show readers to understand the human rights in Cambodia, in particular the right to freedom of expression. Firstly, to examine the real situation of the right to freedom of expression in Cambodia. Secondly, to realize a theoretical frame work of the right to freedom of expression. Thirdly, to provide the mechanisms of promotion the right to freedom of expression.

**Keywords:** Right, Freedom of Expression, Cambodia

### INTRODUCTION

The right to freedom of expression is very important for all Cambodian citizens who always demand the government to open the door of freedom of expression, which has been restricted, for sharing the information as well as opinions about the common problems of the Cambodian society which always happen in Cambodia in particular the freedom of expression. As we know, the right to freedom of expression is the fundamental right or the natural right of all human beings on this planet. On the behalf of citizens, they really want to express their own perspectives on all issues which exist in Cambodia because they understand that they have the right to freedom of expression. As the Article 19 of ICCPR asserted that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regard less of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice” (ICCPR, 1966, p.178). Thus, they have to talk and join showing their ideas about social problems. Moreover, Cambodia is the

democratic country so all Cambodian citizens have the right to expression. Unfortunately, the right to freedom of expression in Cambodia have been restricted and serious violated.

Moreover, those who dare to show up the ideas or opinions talking about the real issues in society such as corruption in the government in particular human rights violation, they will be arrested, detained or exiled to live in the second country. It is not only ordinary citizens but also the politicians have been arrested and detained especially those who back the opposition party by talking and showing their perspectives opposite to or against the government. For the right to freedom of expression in Cambodia today, however, is better than in the past if it is looked or compared to history of Cambodia in 1975 to 1979, more than 1.6 to 2.2 million peoples were killed (Shannon Colleen Hartmann, 2018, p.1) and no have right to freedom of expression at all. But it is still limited and not good enough for enforcement the human rights principal in particular the right to freedom of expression.

However, if the right to freedom of expression in Cambodia is looked deeply into the truth, it will be seen the freedom of expression have been restricted and heavily violated because some civilians or other activists were arrested or killed when they show up their opinions to criticize the leading of the government, especially social injustice. In the case of Dr. Kem Ley, for example, a social researcher and political analyst who talked and revealed the real things in Cambodian society and also criticized directly to the government, was assassinated on July 10, 2016 in Phnom Penh, Cambodia.

Even though Cambodia is the democratic country which has enforced the principle of democracy and human rights respect in particular the right to freedom of expression, its enforcement is still limited and the right to freedom of expression of Cambodian citizen as an individual or group is still have heavily violated as well. For Cambodia, it seems very difficult to practice the democratic and human rights principles, especially the right to freedom of expression. However, the civil society including nation and international level see that the right to freedom of expression in Cambodia still has limitation and abuse that make citizen not happy and satisfied for restriction as well as violation of government on their rights in particular right to freedom of expression. Absolutely, in the democratic society as Cambodia, all Cambodian citizen have right to freedom of expression for sharing opinion, idea, knowledge, information, especially the real events in society to others, including domestic and international stages. As the Constitution of Cambodia said in the Chapter III, Article 31 which asserted in UNC, UDHR, covenant and convention about human rights. So, the Cambodian citizen have the rights backed by the Constitution and follow the Constitution for using its rights in particular the right to freedom of expression. Also, in the Chapter 3, Article 41 of the Cambodia's Constitution, it showed clearly about the right for freedom of expression of Cambodian citizens. Even though the human rights especially the right to freedom of expression supported by the Cambodia's Constitution, however, the freedom of expression is still fragile and abused.

Furthermore, some independent medias in Cambodia were closed because they released the news related to the real events in Cambodian society. The independent medias were closed not to release including Radio Free Asia (RFA), Voice of America (VOA), Voice of Democracy (VOD), Cambodia Daily in particular the broadcasts of the opposition party, Cambodia National Recure Party, via local radio station was closed as well (CCIM, 2017). Because of these independent medias, the Cambodian citizens have a chance to express their opinions to the world.

## Research Problem

This research paper focuses on the problems of the right to freedom of expression in Cambodia. Herein, the researcher will raise three questions to make a research related to the right for freedom of expression in Cambodia for achieving the goal of research. The questions as following:

- How is the real situation of the right to freedom of expression in Cambodia?
- What is a theoretical frame work of the right to freedom of expression?
- What are the mechanisms or recommendations to promote and protect the right to freedom of expression in Cambodia?

## Objective of Research

A researcher aims at to observe the human rights in Cambodia which have been abused in particular the right to freedom of expression that have been restricted. Due to the freedom of expression in Cambodia is still limited, this research paper has three objectives to improve or provide the knowledges related to the right to freedom of expression to all readers.

- To examine the real situation of the right to freedom of expression in Cambodia.
- To realize a theoretical frame work of the right to freedom of expression.
- To provide the mechanisms of promotion the right to freedom of expression.

## Scope of Research

This research is only on the perspective of the right to freedom of expression in Cambodia. Thus, all data that will be raised to research is starting from 1993 to 2020 which relates to the human rights issue in particular the right to freedom of expression in Cambodia.

## Research Significance

All people on this planet have rights to demand what they want and need because they are human beings. Especially, they claim or demand for their freedom of expression. As Jack Donnelly, an author of *Universal Human Rights in Theory and Practice*, claimed that the human rights are the rights for every one and everyone has the rights commonly because everyone is the human being (Jack Donnelly, 1989). On behalf of human beings, they must the rights as the natural rights which existed while they were born and also, those rights will not be violated in particular the right to freedom of expression. Absolutely the freedom of expression is a natural right belongs to everyone and no one can abuse. Moreover, everyone is equal to the rights and freedom which are the fundamental rights of all human beings in the universal. As the Article 19 of the Universal Declaration of Human Rights (UDHR) said “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 and regardless of frontiers” (Universal Declaration of Human Rights by United Nations, 2015). Thus, all human beings have rights to show up opinions, ideas to express or reveal the real events in society to the globe and have rights to seek, receive and provide all information including regional, national and international.

As far as it known, the freedom of expression is the natural or fundamental right of human beings who cannot live without that right. Because the right to freedom of expression is very important ingredient for social development. For Cambodian citizens who understand about their right to freedom of expression, they always try their best to show up their opinions and

perspectives to the Cambodian government for as a part to develop the country even though they know that the right to freedom of expression in Cambodia is limited.

However, Cambodian citizens have insisted to the government to enforce the principle of Human Rights Respect, especially freedom of expression which is very important for its citizens who do want to show up opinion, idea and other perspective concerned with the real facts in Cambodian society. That is why, this research paper focuses on the right to freedom of expression in Cambodia for promotion as well as protection of Human Rights in particular the right for freedom of expression.

## **Theoretical Framework**

The right to freedom of expression is the fundamental right of everyone and it is also crucial for all human beings on this earth. Thus, the right to freedom of expression should be promoted and protected for humankind interests. Even though Cambodia is the democratic country that respects the human rights as the constitution stated, the human rights in Cambodia in particular the right to freedom of expression is still abused. So, the right to freedom of expression in Cambodia is narrow and restricted. Furthermore, the freedom of expression in Cambodia faces with the different perspectives between the government and civil society who have been working in Cambodia.

## **LITERATURE REVIEW**

The Human Rights in Cambodia, especially the right to freedom of expression is the topic that has many literatures talk or discuss about. As Jack Donnelly, an author of *Universal Human Rights in Theory and Practice*, claimed that the definition of human rights are the rights for every one and everyone has the rights commonly or simply because everyone is the human being, the rights exist with the human being were born. Thus, all human beings have the fundamental rights and freedom for demanding and claiming what they do want and need, especially right to freedom of expression all people cannot live without this right.

According to the Declaration of Human Rights in Cambodian Constitution, the Chapter 3 talks about the rights and obligations of Cambodian citizens, which states on the Article 31 that the Human Rights should be respected and recognized by the Kingdom of Cambodia. In addition, in the same Chapter, on the Article 41 says about the freedom of expression, People of Cambodia shall have freedom of expression, publication, press and freedom of assembly. No one shall use these rights to harm others, to affect the good traditions of society, or to violate public order and national security. (Office of the United Nations High Commissioner for Human Rights Cambodia Country Office, 2008). Thus, base on this point, the right to freedom of expression should be protected, promoted and maintained for all Cambodian people. In particular, the governmental actor has to pay attention and enforce the domestic and international laws concerned with the human rights, especially freedom of expression which is not restricted or violated. Furthermore, Citizens have the rights and obligations to take part in political activities to express its opinions, ideas or perspectives related to the nation and the real events in society. In addition, Cambodia has the 1991 Paris Peace Accord, which is a tool to end the conflict and to build the real peace for Cambodia, especially to promote and protect the human rights and the fundamental freedom that sated in the Declaration of Human Rights in Constitution of Cambodia, Part3: Human Rights, Article 15. (Office of the United Nations High Commissioner for Human Rights Cambodia County Office, 2008). According to this Declaration, the Cambodian government tries its best to promote, protect and respect the human

rights and fundamental freedom of Cambodian citizens in particular has the strong determination to maintain the Human Rights and the fundamental freedom in Cambodia.

According to the Report of Universal Periodic (UPR) reviewed on 2013 about Human Rights show that, the enforcement of recommendation that accepted during the Universal Periodic Report on the protection of freedom of expression and all Human rights in Cambodia was failed. Based on this, it means that Cambodia had failed to implement the Human Rights Protection in particular the Protection of freedom of expression of Cambodian citizens through intimidation or harassment of human rights defenders. Furthermore, Cambodia is not good enough in enforcement of Human Rights Principle. Because citizens, human rights defenders, journalists, civil society activists, the members of opposition party and other labor organizers have been intimidated, harassed and sometimes, they have arbitrary arrests as well.

As Cambodian Center for Human Rights (CCHR), a non-aligned, independent, non-governmental organization (NGO), which have worked to promote and protect the democracy and especially respect for human rights in the Kingdom of Cambodia. The freedom of expression is a right stated in the Constitution of Cambodia, Article 41, Cambodian people shall have freedom of expression of their ideas, information, publication and freedom of assembly. Nobody can use these rights to impact the honor of others, or to affect the good customs of society, public order and national security. Especially, the right to freedom of expression was guaranteed by the Universal Declaration of Human Rights (UDHR) as well. In addition, Freedom of Information (FOI) can be defined as the right to access information held by public bodies. It is an integral part of the fundamental right of freedom of expression, as recognized by Resolution 59 of the UN General Assembly adopted in 1946, as well as by Article 19 of the Universal Declaration of Human Rights (1948), which states that the fundamental right of freedom of expression encompasses the freedom to “to seek, receive and impart information and ideas through any media and regardless of frontiers”. According to this point, the Human Rights in particular the right to freedom of expression plays very important role in the society for humankind spirits development as well as the social development in particular it stands for democratic society. The right to freedom of expression is very important for the democratic society, said the U.N. Human Rights Committee.

## **RESEARCH METHODOLOGY**

This research will do with a qualitative methods of data collection. Furthermore, it will extend more comprehensive understanding of the problems through implying the online and offline (Google. Com, journals, e book and other documentations that relate to the right to freedom of expression in Cambodia). This way, it is easy to find the information related to research paper, the right to freedom of expression in Cambodia, which makes all readers have confidence with the result. It is also to enhance the validity of research finding by giving more details.

## **CONCLUSION AND RECOMMENDATIONS**

The right to expression in Cambodia still has limitation. Due to the limitation, the Cambodian citizens have arrested and detained and some have been killed while they have used their rights in particular the right to freedom of expression to express their ideas, opinions or other perspectives in terms of the real events in Cambodian society. Moreover, Some Independent Media Stations, that released the real facts or real news on Cambodia including corruption, in particular the human rights abuse, were blocked, including Radio Free Asia (RFA), Voice of America (VOA), Voice of Democracy (VOD), and Cambodia Daily, which are the popular

social medias for the Cambodia citizens have chance to express their voices, ideas, opinions or other concerning to the world.

However, the Article 41 of the Cambodian Constitution says about right to freedom of expression that Cambodian people shall have freedom of expression of their ideas, information, publication and freedom of assembly. Nobody can use these rights to impact the honor of others, or to affect the good customs of society, public order and national security. Even though this Article stated all Cambodian citizens shall have the right to freedom of expression of their ideas, information and so forth, but in the same Article 41 continued that no one can use the right to freedom of expression to destroy the honor of others or to affect the social good customs, public order and national security.

Due to the human rights in Cambodia in particular the right to freedom expression have been violated and limited, the researcher would like to give some recommendations are as following:

1. The Cambodian government should listen to the voice of its citizens that claim for rights and freedoms in particular the freedom of expression, which is the fundamental right for human beings.
2. The government should enforce fully the domestic and international laws in term of the human rights respect.
3. The rights and freedoms of Cambodian citizens should not be restricted but on the contrary, it should be promoted and protected.
4. All independent medias closed should be opened to work for the Cambodian citizens have opportunities to show up their voices, ideas and other opinions to the globe.
5. The government of Cambodia should not arrest, detain or kill those who just show up their ideas and opinions about the real events such as corruption or the human rights violation in Cambodian society.

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