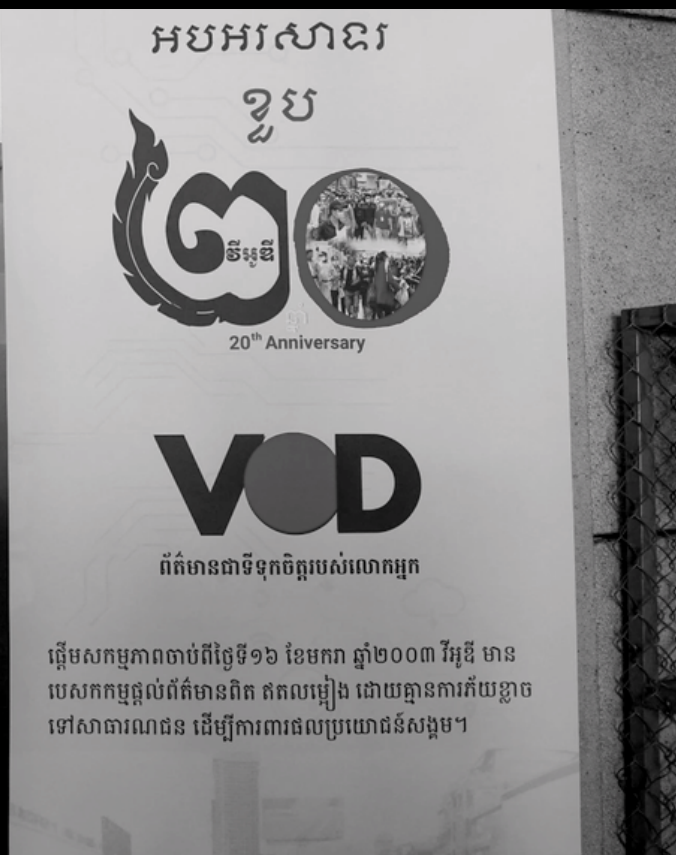




22 February 2023

Joint Solidarity Statement

Cambodia: Reverse Voice of Democracy's closure and ensure an enabling environment for independent media outlets





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February 22, 2023,

We, Manushya Foundation, ALTSEAN-Burma, Cambodian Center for Human Rights, ELSAM, Foundation for Media Alternatives, Free Expression Myanmar, ILGA Asia, SAFEnet, The 88 Project, and Women’s Peace Network, as the [ASEAN Regional Coalition to #StopDigitalDictatorship](#), stand in solidarity with independent media, and **call on the government to reverse its decision to revoke the license of Voice of Democracy (VOD), the leading bastion of independent journalism in Cambodia.** We condemn the government’s grip on independent news outlets and ongoing digital dictatorship, which undermine free press and hinder the flow of information in the country ahead of the upcoming elections. We also condemn the avalanche of misogynistic abuse against a female VOD journalist.

We call on the Cambodian government to respect international human rights standards on the right to freedom of expression and information under Article 19 of the [Universal Declaration of Human Rights \(UDHR\)](#) and under Article 19 of the [International Covenant on Civil and Political Rights \(ICCPR\)](#). Both protect the right to freedom of expression of individuals, including their right to seek, receive and impart information, including online. This right also covers the freedom of the press, which is one of the essential foundations of a democratic society.

We denounce the government’s systemic failure to respect its international human rights obligations,¹ and people’s right to access information and preserve press freedom in the country, as are guaranteed by the Cambodian Constitution and 1995 Law on the Media.² The arbitrary decision to revoke the license is a violation of international law which enshrines that restrictions on the right to freedom of expression should meet the three-part test.³ **Licensing requirements for the print media have also long constituted a violation of international law** on the right to freedom of expression,⁴ and licenses for online media are similarly problematic.⁵

Cambodia's beleaguered press continues to live under repression. On February 9, 2023, the news outlet VOD published an article in Khmer about an alleged US\$100,000 aid given to Turkey by Prime Minister Hun Sen’s son, Hun Manet, after the recent Kahramamanras earthquake. The article features a quote from government spokesperson H.E. Phay Siphon who stated that, “it is not wrong for Hun Manet to play his father’s role in providing aid to Turkey.” H.E. Hun Manet later denied his part in the provision of such aid through a Facebook post and requested VOD to provide evidence that he had approved the document authorizing it, in addition to demanding an immediate correction of the article.⁶



Two days later, the Prime Minister stated on his social media that VOD must issue a public apology to the government and his son within 72 hours, or he would order the Ministry of Information to revoke VOD’s license. The Prime Minister subsequently shortened the deadline for such an apology to 24 hours. While VOD was quick to admit that it had misinterpreted the spokesperson’s statement and apologize for the confusion caused by its publication, the Prime Minister rejected this apology and instead accused that the outlet was intentionally attempting to blame his government. **Through an arbitrary executive order without legal backing, VOD’s license was revoked shortly after, and both its Khmer and English web pages have been blocked by major internet service providers in the country as of February 13.** In addition, the female reporter who authored the article faced misogynistic and hateful comments from Mr. Pheng Vannak, an ex-military Facebook personality, and several others through social media.⁷ This journalist’s plight exposes the **challenges faced by women journalists in Cambodia**, where less than 10% of media workers are women, leaving them underrepresented and vulnerable to gender-based attacks.⁸

VOD was one of the few remaining independent media organizations in Cambodia. In the aftermath of the license revocation, the Cambodian Minister for Information was quoted as saying that this will be “a lesson for other media outlets.”⁹ This is evidently an act of **blatant intimidation that severely undermines the already dire press freedom landscape in Cambodia.** We note the government’s decision coincides with the lead-up to the general election scheduled to take place in July this year, a period where transparent and pluralistic media is crucially needed. Media access blocking was a tactic likewise used by the regime ahead of the 2018 general election.¹⁰ This is also not the first time the government has clamped down on independent media, as it has previously financially pressured the Cambodia Daily into closure,¹¹ and ordered the temporary blocking of several websites, including the Phnom Penh Post, Voice of America (VOA), and VOD before the July 2018 general election.¹²

We commend and stand in solidarity with independent media and journalists, which play a vital role in providing information to citizens and ensuring that the public makes informed decisions and holds leaders accountable. We urge the Cambodian government to uphold the obligation to ensure the enjoyment of the right to freedom of opinion and expression, as well as the right to receive and impart information and ideas, by taking all the necessary means to safeguard these rights, including by reversing its decision to shut down VOD. This arbitrary decision to close the media outlet is just one measure of how the authoritarian leader tries to strangle press freedom.



In light of these concerns, the [ASEAN Regional Coalition to #StopDigitalDictatorship](#) calls on the Cambodian government to:

- Reverse the order to close VOD and cease fabricating phony arguments to suppress free press;
- Foster a political landscape and society where independent journalism is permitted to thrive, and recognize the need of particular protection independent outlets have, given the essential role they play in ensuring vibrant public discourse, including online;
- Repeal or amend all laws and regulations that establish a licensing regime for the print and online media, replacing them with a system of self-regulation;
- Ensure journalists and media outlets can carry out their work in an environment free from fear of harassment or intimidation;
- Take action against Mr. Pheng Vannak and any other individuals that have harassed the VOD female reporter on the basis of her gender, ensure that the victim receives a formal apology, and strengthen protection of women media workers in the country;
- Ensure that laws and rights designed to protect women journalists offline are applied equally online, as urged by the UN Resolution that call on states to observe the specifics of online threats and harassment of women journalists through: “Collecting and analyzing concrete quantitative and qualitative data on online and offline attacks or violence against journalists, that are disaggregated by, among other factors, sex” and “...publicly and systematically condemning online and offline attacks, harassment and violence against journalists and media workers.”¹³;
- Repeal or amend laws and regulations that restrict freedom of expression and independent media, including but not limited to criminal defamation and lèse-majesté under the Criminal Code, and defamation provisions under the Press Law that governs defamation perpetrated by media outlets, to bring them in line with Articles 19 of the UN Declaration on Human Rights (UDHR) and of the International Covenant on Civil and Political Rights (ICCPR).

In line with the UN Guiding Principles on Business and Human Rights, we also call on service providers to defy government orders to block news websites, especially in the run-up to national election, in contravention to the rights to free expression and access to information.

For more information about joining our regional campaign to [#StopDigitalDictatorship in Southeast Asia](#), and to support our work to restore digital democracy in the region, access our online campaign at: <https://www.manushyafoundation.org/stop-digital-dictatorship-campaign>



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Endnotes:

¹ Article 19 of the International Covenant on Civil and Political Rights (ratified by Cambodia on May 26, 1992); Article 19 of the Universal Declaration of Human Rights; UN Human Rights Council, *The promotion, protection and enjoyment of human rights on the Internet*, UN Doc. A/HRC/38/L.10/Rev.1, (4 July 2018), available at: <https://www.osce.org/fom/78309?download=true> (“the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one’s choice”).

² See Article 41, 1993 Constitution of the Kingdom of Cambodia (with latest amendment in 2008), available at: https://www.constituteproject.org/constitution/Cambodia_2008.pdf?lang=en; 1995 Law on the Media, available at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=42145

³ Under international legal standards, limitations of the right to freedom of expression are permissible but “must not put in jeopardy the right itself” and meet certain conditions, namely they must be: (1) “provided by law” which is sufficiently clear and precise; (2) pursue a legitimate aim set out in Article 19 para 3 of the ICCPR (the “rights or reputations of others” or “the protection of national security or of public order (ordre public), or of public health or morals”); and (3) conform to the “strict tests of necessity and proportionality.”

⁴ UN Human Rights Committee, *Concluding observations of the Human Rights Committee: Lesotho, 8 April 1999*, UN Doc. No. CCPR/C/79/Add.106, para 23, available at: <https://www.refworld.org/docid/3df37b724.html>

⁵ OSCE, *Joint Declaration on Media Independence and Diversity in the Digital Age*, (2 May 2018), available at: <https://www.osce.org/representative-on-freedom-of-media/379351>

⁶ See Cambodian Center for Human Rights, *Media Alert: Revocation of License of Voice of Democracy (VOD)*, (13 February 2023), available at: <https://sithi.org/publications/2023-02-13-media-alert-revocation-of-license-of-voice-of-democracy-vod>

⁷ See CIVICUS, *Cambodia: Media and civil society groups disturbed by revocation of media outlet’s license*, (14 February 2023), available at: <https://www.civicus.org/index.php/media-resources/news/6264-cambodia-media-and-civil-society-groups-disturbed-by-revocation-of-media-outlet-s-license>; Cambodian Center for Human Rights, *Open Letter to the Cambodian Ministers for Women’s Affairs, Information, Culture and Fine Arts, and Post and Telecommunication “Re: Request to take immediate action against Mr. Pheng Vannak, Director of Pheng Vannak News, for using misogynistic language and verbal harassment against a woman journalist,”* (14 February 2023), available at: <https://twitter.com/cchrcambodia/status/1625665895363416064/photo/1>

⁸ UN News, *Press freedom increasingly under threat in Cambodia - UN human rights report*, (3 August 2022), available at: <https://news.un.org/en/story/2022/08/1123912>



⁹ Al Jazeera, *Cambodia’s Hun Sen shuts down independent media outlet*, (13 February 2023), available at: <https://www.aljazeera.com/news/2023/2/13/cambodias-hun-sen-shuts-down-independent-media-outlet>

¹⁰ Freedom House, *Cambodia: Freedom on the Net 2022*, available at: <https://freedomhouse.org/country/cambodia/freedom-net/2022>

¹¹ Cambodia Daily, *The Cambodia Daily to Close After 24 Years*, available at: <https://english.cambodiadaily.com/cambodia-daily-close-24-years/>

¹² CPJ, *CPJ condemns pre-election news censorship in Cambodia*, (30 July 2018), available at: <https://cpj.org/2018/07/cpj-condemns-pre-election-news-censorship-in-cambo/>

¹³ UN General Assembly, *Resolution adopted by the General Assembly on 18 December 2019 [on the report of the Third Committee (A/74/399/Add.2)]*, (23 January 2020), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/428/62/PDF/N1942862.pdf?OpenElement>