



# IFJ Response to the October 24th, 2019 Consultative Forum on the Amendment to the Cambodian Press Law of 1995





## **IFJ Response to the October 24th, 2019 Consultative Forum on the Amendment to the Cambodian Press Law of 1995 -**

The invitation from the Cambodian Minister for Information Khieu Kanharith to provide input into reforms of the current Cambodian Press law is a welcome initiative. The International Federation of Journalists believes that significant amendments to the Cambodian Press Law to bring it into line with acceptable modern standards which guarantee freedom of the press and media are urgent and necessary. There are basic reforms which are necessary to make the Cambodian law contemporary, relevant and consistent with the establishment and maintenance of a free media in Cambodia. The whole framework of the law should be designed to encourage and support journalism and a free media - not to inhibit and penalise it.

### **1. Carefully and clearly drafted laws**

As with many such laws in the region, the legal regime which regulates the press in Cambodia is poorly drafted and contains numerous uncertainties and ambiguities which can be used by those in authority to restrict freedom of the press rather than assist it. The Cambodian press law needs extensive reform - indeed root and branch reform - if it is to be an effective and contemporary regulatory framework for the operation of a free press in the country. Restrictions on journalists' activity through government licensing of journalists, and media organisations should be repealed.

### **2. Access to government information**

In addition to robust protections for journalists, the law must guarantee ready and inexpensive access to government information and give emphasis to the overriding public Interest in access. Government agencies should be penalised for refusing prompt access to information. Likewise, restrictions on access to information on security grounds must be confined to bona fide security concerns and carefully limited.

### **3. Abolition of Criminal Defamation**

It is imperative that the criminal defamation provisions of the press law be repealed. These provisions, much like similar provisions which existing other countries in Southeast Asia, serve no purpose other than to chill the exercise of press freedom. No journalist should be jailed for doing his or her job or detained on the basis merely that charges have been laid under criminal defamation laws. Laws such as this are inevitably applied by the courts in a manner which is antithetical to the proper exercise of press freedom.

### **3. Abolition crippling civil damages**

As well as the repeal of criminal defamation laws, urgent reform is also needed in the area of the imposition of civil damages for alleged defamation. Such laws are typically used to chill the exercise of journalistic freedom by the threat to impose crippling and disproportionate financial penalties upon journalists and publishers. Any civil defamation laws which may be retained (and this is not recommended) should be amended so as to make the measure of any damages truly proportionate to any actual damage which has been suffered.

### **4. Establishment of Press/Media Council**

The regulation of the press and media should be left in the hands of a self regulatory body modelled on the press councils which have operated successfully for many years in Indonesia, Australia and New Zealand. These bodies are responsible for the resolution of complaints against the press/media, the maintenance of journalistic standards, and the enforcement of the provisions of the journalists code of ethics which takes a similar form in each

of these jurisdictions. The operations of a press/media council leave legitimate media to be regulated according to the code of ethics and should not be confused with issues of regulation of social media more widely.