



Challenges for Independent Media

2014

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FOR MORE INFORMATION

Address : House No.14A St 392, Sangkat Beoung Keng Kong I,
Khan Chamkarmon, Phnom Penh

Website : www.ccimcambodia.org

Email : communications@ccimcambodia.org

Tel : 023 726 842



Table of Contents

Executive Summary	2
Introduction	2
Cambodian Media Landscape	3
Print Media	
Television Media	
Radio Media	
Internet	
Challenges for Independent Media	4
Violence and physical harassment	
Prosecution and legal threats	
Self-censorship	
Government control and influence	
Lack of professionalism and ethics	
Lack of access to information	
Outlook for Cambodian media	10
Expansion of digital media	
Increasing access to information	
Shifting political situation	
Recommendations	11

Executive Summary

2014 was a notable year for journalism in Cambodia, with no shortage of news to cover, starting with the labor and political protests in the first months of the year and culminating in the historic negotiations in July that ended a year-long political gridlock. But in the midst of these historic events, Cambodian journalists increasingly found themselves in the news, as reporters faced injury and even death for covering the news. 2014 proved the deadliest year for Cambodian journalists since the political turmoil of 1997, with two Cambodian journalists confirmed murdered in relation to their work and a third, foreign journalist found dead under suspicious circumstances.

Nonetheless, a survey of professional journalists conducted by the Cambodian Center for Independent Media (CCIM) in November and December found that the majority of journalists feel the country's media sector is headed in the right direction. Many respondents attributed this feeling to the rise of the Internet, and particularly social media and smartphones, in facilitating real-time access to news and spurring online debate and discussion over current events.

But even in the midst of a Cambodian Internet revolution that is changing the way journalists and citizens alike access information, the vast majority of journalists surveyed for this report indicated that the country's lack of an Access to Information Law hinders their ability to report the news. Moreover, almost half of journalists did not feel completely free to report on all issues without interference or fear of repercussions. Discouragingly, aside from the expected sources of repercussions, such as local authorities and politicians, more than a quarter of respondents said they faced interference or repercussions from within their own media organization, typically from owners or publishers.

This report highlights the key findings of the recent survey of Cambodian journalists and examines notable developments and challenges within the Cambodian media industry in 2014, ending with a number of recommendations for improving and expanding the independence of Cambodian media in 2015 and beyond.

Introduction

The Cambodian Center for Independent Media (CCIM) is Cambodia's only independent media organization working to promote press freedom, freedom of expression and access to information through the production and dissemination of independent news as well as through the implementation of citizen journalism and advocacy projects. CCIM's mission is to promote democratic governance and human rights enforcement in Cambodia through the development of a pluralistic and independent media environment.

The Challenges for Independent Media Report plays a crucial role in this mission. In this, the second annual Challenges for Independent Media report, CCIM highlights the developments in Cambodia's media sector, records notable press freedom violations and analyzes progress made toward addressing barriers to the development of independent media over the last year. The report concludes with a set of recommendations for tackling those challenges in the coming year.

Of note, this year's report features data collected during a survey of 78 professional journalists (67 Khmer, 11 foreign) working in Cambodia, conducted in November and December 2014. The survey aimed to gather journalists' perceptions on the state and limitations of Cambodian media as well as their working conditions. The survey was administered by CCIM staff during face-to-face interviews, wherein a conversational response style was encouraged in order to gather both qualitative and quantitative data. The survey had several notable limitations. First, despite the fact that respondents were assured their answers would remain anonymous, CCIM survey facilitators noted that many respondents felt some level of discomfort in answering questions regarding the independence of their news outlets and government controls over the media. Second, the survey failed to gather a significant number of responses from provincial-level journalists, with only four respondents working at news outlets based outside of Phnom Penh. Therefore, responses as recorded in this report offer a better picture of the state of national, rather than local-level, journalism.

Cambodian Media Landscape

Cambodia generally ranks near the bottom of worldwide press freedom indices due to government control and influence over the media, threats and violence against journalists, and self-censorship by media practitioners. This held true in 2014, with Cambodian media being ranked as “Not Free” by Freedom House and categorized by Reporters Without Borders as being in a “Difficult Situation,” with a rank of 144 out of 180 countries worldwide. For the first time, though, a survey conducted by CCIM showed that journalists working in the country largely agree with these rankings, with 86% of journalists surveyed saying they agree or “somewhat” agree that the ranking of Cambodia’s media as “not free” is warranted.

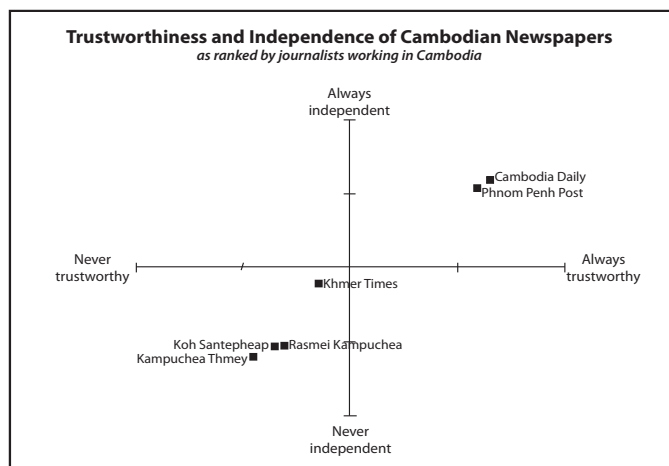
However, the same journalists tended to believe that Cambodian media is improving, with 62.7% saying the sector is headed in the right direction. Several journalists surveyed attributed this optimistic outlook to the increasingly prominent role of the Internet in Cambodian media. One editor of a prominent English-language newspaper explained that the sector is improving because “there are an increasing number of independent news outlets [enabled by] smartphones and cheap Internet access.” Other journalists lauded the Internet, and specifically social media for its role in promoting free expression and for allowing Cambodian citizens to bypass the gatekeepers of traditional media and engage in the process of disseminating information. One Cambodian journalist pointed out the Internet’s role in increasing demand for news, saying “new technology is modernizing the media, and people are keener to know what is going on in society.”

But despite the general air of optimism about the direction of Cambodian media, doubts remained for many journalists. “Local media, especially those under government control, are not independent,” said one Cambodian journalist interviewed for this report. Likewise, another reporter decried perceived government interference with media outlets, saying “The media are just a tool for the politicians, and sometimes they put pressure on the media to do what they want.”

Print Media

Only a limited number of the more than 600 publications registered with the Ministry of Information publish on a regular basis. In 2014, a total of 13 newspapers printed daily issues, or a minimum of six issues per week. Newspaper audiences generally remain small and limited to urban populations, largely due to problems of illiteracy,

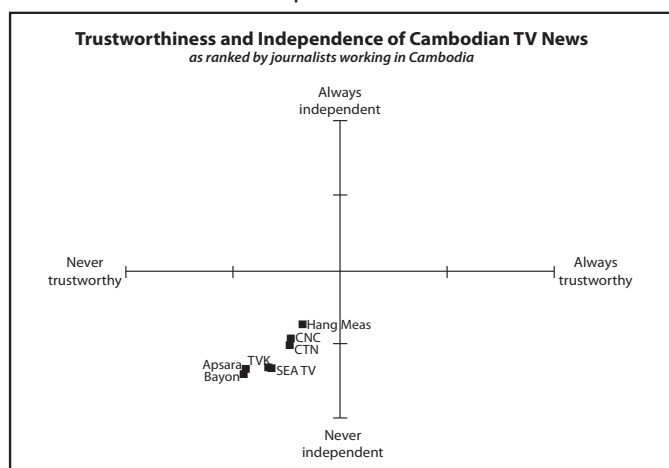
distribution and pricing. Moreover, the majority of Khmer-language newspapers are allied to one or another of the country’s political parties, with the result that most newsprint is distinctly lacking in independence. A survey of journalists showed that the majority overwhelmingly favored foreign-controlled outlets *The Cambodia Daily* and *The Phnom Penh Post* in terms of trustworthiness and independence.



Television Media

Television is slowly starting to replace radio as the primary means of communication with Cambodia’s voting public.¹ However, widespread viewership remains largely limited to urban centers due to issues of access and affordability among potential rural audiences, who in many cases still lack access to electricity. Unlike print media, where a number of independent and opposition-aligned newspapers thrive, the government maintains a tight rein over the country’s television spectrum, with each of the 15 national channels being closely affiliated or directly controlled by the ruling Cambodian People’s Party.

The result is widespread distrust of television media among Cambodian journalists, who gave the medium as a whole low marks for both trustworthiness and independence. Notably, journalists ranked a number of television stations below the officially state-run TVK channel in terms of independence.



¹Subedi, Surya P. “Report of the Special Rapporteur on the situation of human rights in Cambodia.” 16 July 2012. A/HRC/21/63. Par. 55. Available at: http://cambodia.ohchr.org/WebDOCs/DocReports/3-SG-RA-Reports/A-HRC-21-63_en.pdf

However, government control of the television medium could be set to shift, or at least loosen in 2015 after the government agreed to issue a television license to the opposition Cambodian National Rescue Party following the political negotiations in July that brought the CNRP boycott of the National Assembly to an end.

Radio Media

Despite the growing popularity of television and Internet media, radio remains the country’s most widely accessible form of media due to its affordability, widespread geographic availability and accessibility for illiterate populations. A 2013 market survey by Indochina Research found that as many as 40% of urban and 27% of rural households listen to radio programming daily.² Nonetheless, as with television, the medium remains constrained by tight licensing restrictions imposed by the Ministry of Information, and only three radio broadcasters remain willing to broadcast independent news, foreign news or anti-government opinions, namely: Mom Sonando’s Radio Beehive (FM 105), CCIM’s Sarika Radio (FM 106.5 Phnom Penh and FM 95.5 Siem Reap), and the Women’s Media Centre’s Radio WMC (FM 102).

CCIM’s survey of professional journalists showed that media practitioners tend to trust foreign-produced news programs such as Radio France International (RFI) and Voice of America (VOA) even though they scored some of these foreign-sponsored news outlets lower for independence.

country’s media sector as heading in the right direction.

The Internet remains Cambodia’s freest medium for the dissemination of independent news as well as for political expression. In a recent CCIM Survey of Cambodian Internet users “Perceptions of Online Freedom of Expression and Political Engagement: A study of Internet-connected Cambodians,” 75.7% of Internet users said they felt the Internet in Cambodia is becoming increasingly free. Moreover, 60.4% reported having used the Internet to express an opinion on a social or political issue, while 75.3% said the Internet is helpful in allowing them to access news and information they cannot find elsewhere in the country’s mainstream media.

Social media networks, and especially Facebook, are proving critical in expanding citizens’ access to news and information. Of the media outlets surveyed for this report, 87.2% used Facebook, 30.8% used Google+, and 28.2% used Twitter. Moreover, news outlets with a presence on social media reported utilizing the platforms frequently, with almost 80% using social media at least once per day to either break news (69.2%) advertise news stories or features (51.3%) or as a source of information for reporting (30.8%).

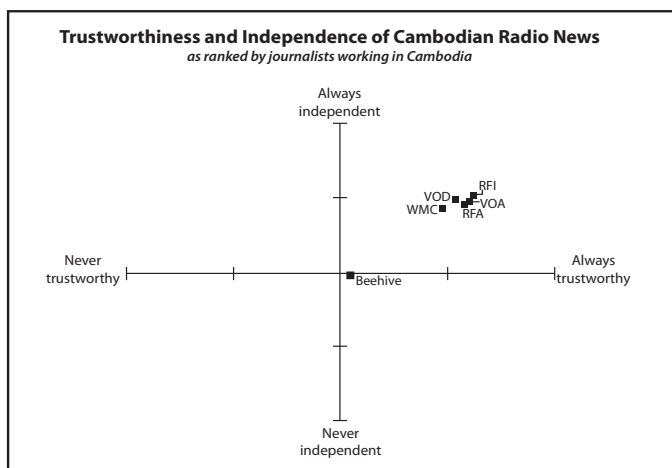
However, Cambodia’s free Internet became increasingly under threat throughout 2014, as the Royal Government of Cambodia drafted — then scrapped — a restrictive Cybercrime Law, announced plans to install surveillance equipment in the country’s ISPs, created “Cyber War Teams” to monitor online activity and sent a delegation of officials to Vietnam for cyber-security training.

Challenges for Independent Media

Journalists working in Cambodia continue to face a number of challenges that hinder their ability to carry out their work, and in some cases, prove life-threatening. When asked to identify the most important challenges for journalists in Cambodia, survey respondents pointed to a number of issues, including low pay (36.4%), government control or influence over the media (28.6%), unethical practices by journalists (20.8%), violence and physical harassment (14.3%), and prosecution and legal threats (14.3%).

Violence and Physical Harassment

Journalists are routinely subjected to violence and physical harassment for their coverage of controversial issues that either negate the government narrative or prove harmful to the interests of individuals with powerful political connections. Of the journalists surveyed for this report,



Internet

Internet use continues to grow rapidly in the Kingdom, with penetration increasing to almost 25% in 2014. The expansion of this medium has tremendous positive implications for the country’s news media, with a number of journalists surveyed for this report citing the rise of the Internet as the reason for their perception of the

² Indochina Research. “The Media Index 2013.”

17.1% reported having been attacked at some point due to their work as a journalist, sometimes for reporting on issues as seemingly benign as hunger but most often for their coverage of political events.

Journalists assaulted at protests

The first months of 2014 saw a continuation of the sometimes violent political unrest that rocked the capital city of Phnom Penh following the disputed July 2013 national elections. Political protests continued throughout the city as the opposition Cambodian National Rescue Party (CNRP) continued to boycott its National Assembly seats over alleged widespread irregularities in the previous year's election, which maintained control of the legislative body in the hands of the Cambodian People's Party (CPP), and its long-ruling leader, Prime Minister Hun Sen, who in 2014 marked 30 years as head of state. These protests regularly resulted in violent clashes that all too often caught journalists in the crossfire.

Specifically, journalists covering protests during 2014 were subject to routine threats and attacks from security guards hired by the Phnom Penh municipality to guard Freedom Park, the capital's officially designated gathering place for demonstrations, which was closed and barricaded by razor wire throughout the first half of the year. The park became the site of routine clashes between security guards and protestors who tried to gain access to it. *The Phnom Penh Post* reported that the park's security guards were "untrained and essentially function as thugs-for-hire," as the guards' attempts at disbursing gatherings regularly left injured protestors and journalists in their wake.

³Evidence gathered from journalists and eyewitnesses indicates that the guards purposefully targeted journalists during these crackdowns. While covering a protest at Freedom Park on April 21, journalist Kung Raiya of the *Kampuchea Rikreay* newspaper reported hearing orders shouted to security guards to "hit anyone with a camera" shortly before he was assaulted and beaten on his head and body. The guards continued to beat Raiya even after he produced his press identification card, and the journalist was only saved from serious injury by a helmet, which was itself broken by the force of the guards' batons.

Throughout 2014, at least eight journalists were attacked by security forces during protests. Among them was Lay Samean, a reporter for CCIM's VOD news outlet. Samean was covering an election march near Freedom Park on May 2 when the park's security guards began forcefully and violently disbursing the marchers. Samean was photographing the guards as they beat a protesting monk

when the security guards turned on him. Between six and ten security guards attacked him, kicking him and beating him with wooden batons in the face, abdomen and arms until he lost consciousness. Samean's smartphone was also confiscated during the incident. The attack left Samean with extensive damage to his cheek, eye and mouth, which required facial reconstruction surgery in Bangkok.

Though the Ministry of Information at first reacted by issuing a statement condemning the attack, the minister quickly reversed himself, saying the attackers were justified and accusing Samean of verbally provoking them, accusations the reporter denied. A legal complaint filed by the Cambodian Center for Independent Media on behalf of Samean accusing city officials of instigating and organizing the attack was dismissed by the Phnom Penh Municipal Court without explanation on Nov. 26 and is currently in the process of being re-filed.

A deadly year for journalists

While journalists covering the unrest in Phnom Penh faced numerous security concerns throughout 2014, it was their counterparts in rural Cambodia that were at the greatest risk. 2014 proved the deadliest year for journalists in Cambodia since the violent political turmoil of 1997, with two provincial journalists murdered and a third international journalist found dead in Siem Reap under suspicious circumstances.

On Jan. 21, journalist Soun Chan was beaten to death in Kampong Chhnang Province by a gang of local fisherman following the publication of his investigative reports on illegal fishing activities, making him the 12th journalist confirmed to be murdered in the line of work since 1993. Further adding to the furor over security concerns for journalists in 2014 was the mysterious death of Canadian journalist Dave Walker, whose badly decomposed body was discovered in Siem Reap in May under suspicious circumstances that local police attributed to natural causes and declined to further investigate.

Just five months later, on Oct. 12, journalist Taing Try was shot in the head while covering illegal logging activities in Kratie Province. Try's murder came on the heels of three April assaults on journalists who were also covering illegal logging activities. Both Try's murder and the preceding assaults are plagued with uncertainties due to a longstanding practice of Cambodian journalists — and individuals claiming to be journalists — engaging in extortion while covering illegal logging and other natural resources issues. Try himself had previously been

³<http://www.phnompenhpost.com/national/tables-violently-turned>

charged in 2012 with using his position as a journalist to extort a bribe of luxury wood from a man he accused of being involved in illegal logging. ⁴Try's case highlights the safety and security concerns that reporters throughout Cambodia face directly as a result of a lack of journalism ethics, either on their own part or by others.

Despite the obvious concerns raised by the murders, Cambodia also achieved a historic victory in its fight against impunity in November with the conviction of six individuals for the murder of journalist Soun Chan — the country's first conviction in the case of a murdered journalist since the first democratic elections in 1993. Nonetheless, some journalist groups maintain that other individuals who participated in the mob attack that claimed Chan's life are being protected by powerful local officials and have not yet been brought to justice.

Prosecution & Legal Threats

Journalists working in Cambodia are likewise subjected to prosecution and legal threats through manipulation of the country's judiciary by political and business elite. Though only a small minority of journalists surveyed for this report (5.5%) had been brought up on legal charges in connection to their reporting, convictions in these cases are felt throughout the journalistic community in Cambodia. Although the Cambodian Penal Code specifically directs crimes committed through the media for punishment via the Press Law, prosecutors continue to charge journalists with criminal offenses. Defamation (Penal Code, Article 305) is the most common legal measure used against journalists, and though it seldom carries a jail sentence, it remains a criminal offense. Other measures sometimes employed include: Incitement (Penal Code, Article 495) and Disinformation (UNTAC Law, Article 62).

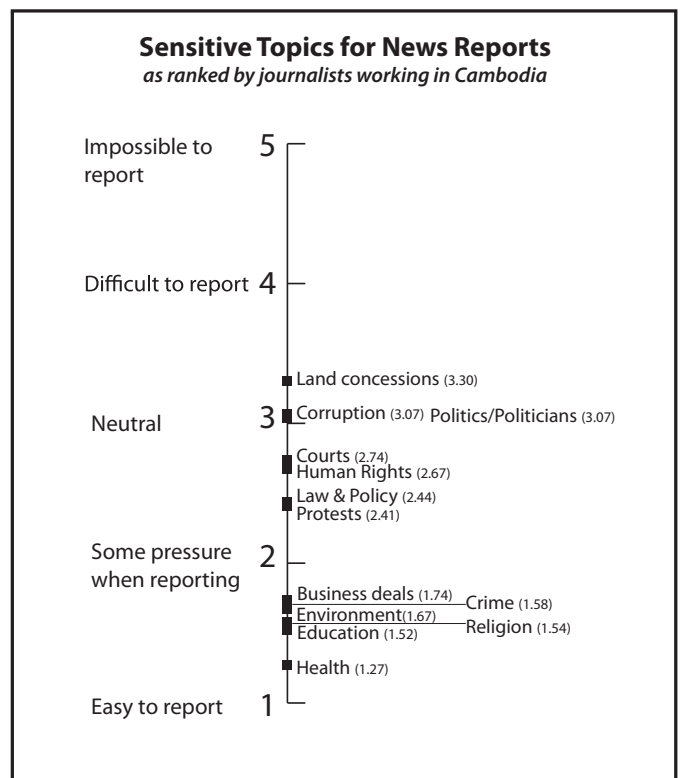
2014 saw two notable defamation convictions involving the media. In February, the country saw its first-ever defamation conviction over a Facebook post, when a Phnom Penh beauty parlor owner was fined 2 million riel for a Facebook post in which she complained that a business competitor was stealing her employees. The case represented the first crackdown on social media speech in Cambodia and serves as a troubling sign of the future of the medium as the RGC considers stepping up its efforts to monitor and control online activity. In July, the Phnom Penh Municipal Court handed down another conviction related to online media, this time against British journalist and blogger Rupert Winchester over an article on his blog, "The Mighty Penh," alleging that a property

developer intended to demolish a historic building in downtown Phnom Penh. Winchester was slapped with a hefty fine of 8 million riel and ordered to pay 100 million riel in damages.

Self-censorship Among Journalists

Beyond the dangers that physical and legal retaliations pose to journalists themselves, violence and legal threats against journalists also serve the dual purpose of provoking self-censorship among journalists and news outlets, who often refuse to cover certain sensitive subjects out of fear for physical or legal repercussions. Journalists surveyed for this report reported hesitancy to cover certain topics, with 12.2% reporting they did not feel free and 35.1% reporting they felt only "somewhat" free to report on all subjects without interference or fear of repercussions.

Topics identified by journalists as the most difficult to report on were land concessions, politics and politicians, corruption, courts and human rights. Journalists said they were not always free to report on these topics due to interference or fear of repercussions from a variety of sources, including local authorities (42.9%), the publishers or owners of their news organizations (25.7%), politicians (20.0%) and business owners (14.3%).



⁴<http://www.rfa.org/english/news/cambodia/reporters-10212014165534.html>

A factor possibly contributing to self-censorship among reporters is the fact that many journalists feel that their news organizations will not provide critical support in the case of an emergency related to their work, including legal or physical retaliation for their news reports. Less than half of all journalists surveyed reported that they were “very confident” that their news organization would provide legal protection or representation, in-country medical treatment, medical evacuation or temporary relocation in a safe house. This feeling that they are on their own in terms of dealing with the fall-out their reporting may prevent journalists from covering certain sensitive topics altogether and is indicative that media organizations share a portion of the blame for the common practice of self-censorship.

Government Control & Influence

The development of independent media in Cambodia is likewise limited by continued government interference in or control over news outlets and national media policy. Direct government ownership or indirect government control over media is a long-standing problem in Cambodia, particularly in regard to television media. Of the 15 national television stations broadcasting in 2014, all were owned by the government or CPP-allied private interests. The result is a broadcast spectrum full of homogenous news content that largely tows the ruling party line, discrediting an entire medium, with journalists ranking television far below print and radio in terms of trustworthiness and independence.

However, other forms of media, including print and online, are not exempt from political influence and control. Of journalists surveyed, only 45.5% felt their news outlet was independent, or free from political influence. Another 35.1% said their outlet was only “somewhat” independent, and 11.7% admitted their news outlet is not independent at all.

Licensing

Continued government control over broadcast media in particular is largely enabled by a licensing process run by the Ministry of Information, which is grievously lacking in both political independence and transparency, as licenses are handed to powerful political and business interests but denied to independent or opposition-aligned media. In 2014, the Ministry denied applications for television and radio licenses to Mom Sonando, whose opinionated broadcasts via Beehive FM are the country’s longest running, non-government aligned radio programming,

and to CCIM for its independent VOD news programming. However, the political negotiations in July 2014 that resulted in the opposition CNRP ending its boycott of the National Assembly included a stipulation that the opposition be given licenses for a TV and radio station. These two new media outlets, if launched in 2015 as planned, would mark a step forward in terms of opening up the country’s mainstream media for a variety of voices and opinions. However, the Ministry’s continued refusal to issue licenses to independent news outlets remains concerning.

Cybercrime Law

2014 proved an eventful year in terms of legislation with the potential to restrict freedom of expression and press freedom throughout the Kingdom. In April, Article 19 released a leaked copy of a Cybercrime Law being drafted by the Council of Ministers.⁵ Though the government had publicly announced in 2012 that it was considering such legislation, the Article 19 leak allowed for the first public scrutiny of the draft, and condemnation from civil society was swift and widespread. Of particular concern for many NGOs was the draft’s Article 28, which would have criminalized online content critical of the government or politically connected, as well as content deemed immoral or in violation of traditional Cambodian values. Individuals, media outlets or organizations in violation of these or any other provisions of the law would be subject to seizure of property, deregistration or loss of licensing, as well as hefty fines or jail sentences.

Despite civil society’s outcry over the draft law, the majority of journalists interviewed remained largely uneducated on the topic, with 75.7% admitting they had read neither the English nor the Khmer version of the draft law. Unsurprisingly then, 41.5% of journalists said they were unsure how the law would affect them if passed, though 49.2% surmised that it would have a negative impact. An analysis of the draft text by a group of civil society legal experts concluded some overly broad provisions of the law could be applied against almost any online speech deemed critical of the government, including news reports.

In December, the government announced that it was “scrapping” the widely criticized draft Cybercrime Law.⁶ But even lacking a legal framework, the RGC took a number of steps in 2014 to increase its control over online activity. In November, the RGC announced plans to create “Cyber War Teams” to monitor the Internet—and

⁵ <http://www.article19.org/resources.php/resource/37516/en/cambodia--secret-draft-cybercrime-law-seeks-to-undermine-free-speech-online>

⁶ <https://www.cambodiadaily.com/news/controversial-cybercrime-law-scrapped-74057/>

specifically social media—for content it deemed to be misinformation.⁷ Other plans were announced in December to install surveillance equipment directly into the Kingdom’s ISPs and to send a delegation of 100 government officials to Vietnam to be trained on encryption and forgery raised further concerns by civil society and media regarding the future of online free expression in Cambodia.⁸

In reaction to the scrapping of the draft Cybercrime Law, a number of civil society organizations in January 2015 began drafting a crowd-sourced Great Charter for Cambodian Internet Freedom (GCCIF).⁹ Borrowed from a similar effort in the Philippines, the GCCIF aims to provide a positive-rights legal framework for the Internet in Cambodia, specifically protecting the rights to free expression, assembly and privacy in an online-specific context.

Election Reform Laws

The new, party legislature in March 2015 passed two new election laws unanimously despite widespread opposition by local and international civil society organizations, and these measures also present the possibility of troubling ramifications for Cambodian media.¹⁰ Part of the July negotiations that resulted in the CNRP claiming its National Assembly seats, election reform measures had been the subject of intense negotiations for months, and the drafts included a number of controversial points, including a provision that will ban non-governmental organizations (NGOs) from making “direct or indirect speech or texts that insult any party or any candidate” or the “release of any statement...supporting or showing bias to or against any activity or any candidate.”¹¹ Civil society groups have expressed concerns that the law could drastically reduce Cambodians’ access to independent news and information during critical election periods by limiting the ability of NGOs to issue or media to publish reports regarding political parties or candidates.

Lack of Professionalism & Ethics

Cambodian journalists are regularly lambasted by the international community, the RGC and the opposition party alike for shortfalls in the areas of professionalism and ethics. Practices of accepting payments for stories or attendance at press conferences, engaging in extortion and other harmful ethical breeches, such as naming or running photos of victims of sexual assault, are commonplace.

Journalists acknowledge the media sector’s struggle

⁷ <https://www.cambodiadaily.com/news/cyber-war-team-to-monitor-web-72677/>

⁸ <http://www.phnompenhpost.com/state-secrets-law-wont-stifle-press-official-says>

⁹ www.netlawkh.org

¹⁰ <https://www.cambodiadaily.com/news/assembly-passes-controversial-election-laws-80215/>

¹¹ <https://www.cambodiadaily.com/news/ngos-to-boycott-workshop-on-election-law-79285/>

in this area, with 78.9% of those surveyed saying that the majority of Cambodian journalists do not conduct themselves with sufficient professionalism. This comes despite relatively widespread familiarity with the Cambodian Journalists’ Code of Ethics (CJCE). 69.4% of journalists surveyed said they were familiar with the CJCE, and 96.6% of those journalists said the code was either “crucial” or “very important” to their work.

Journalists surveyed for this report laid the blame for unethical practices largely on three main factors: Low salaries (40%), lack of training or education (23.6%) and , more generally, a culture of corruption in Cambodia (21.8%).

Low salaries

Despite the fact that journalists tended to blame low salaries for unethical behavior, journalists surveyed for this report tended to feel “somewhat satisfied” with their current salary level. Moreover, journalists participating in the survey reported middle-class salaries. Even when foreign journalists’ reported income were removed from the database, the majority of journalists (57.9%) reported income of \$300 USD per month or more, with a handful (17.5%) making \$1,000 USD or more each month. However, a notable shortfall of this survey was its limited geographic scope, with only four journalists working for news organizations based outside of Phnom Penh being interviewed. Those provincial journalists who participated all reported monthly incomes of less than \$200 USD per month, indicating that provincial-level journalists tend to receive less compensation than their Phnom Penh counterparts and may therefore be more susceptible to engaging in graft in order to supplement their income. However, additional research on this issue is needed in order produce credible evidence and recommendations. Aside from salary alone, many journalists reported that their news organizations fail to provide them with basic benefits, including some benefits mandated by Cambodian labor law. Of particular note, 82.1% reported that their organization does not offer NSSF, or accident compensation, and 69.2% reported that they do not have health insurance through their workplace. Additionally, 73.1% do not receive overtime pay and 57.7% do not receive paid national holidays. Table 1 shows a full listing of benefits, according to the percentage of journalists who report receiving them through their news organization.

TABLE 1: Journalists’ reported benefits

	N	Percent
Health insurance	24	30.8%
NSSF (worker’s compensation)	14	17.9%
Overtime pay	21	26.9%
Paid national holidays	33	42.3%
Paid annual or personal leave	26	33.3%
Paid sick leave	33	42.3%
Paid maternity leave	32	41.0%

Nonetheless, when asked to rank their overall job satisfaction, surveyed journalists on average were “somewhat satisfied.” Follow-up questions specifically gauging satisfaction of salary level, benefits, working hours, stress level and feelings of safety and security all on average received a ranking of “somewhat satisfied.”

Lack of training or education

Another factor commonly blamed for widespread ethical breaches in Cambodian media is the lack of training or education among journalists. Of the roughly 80% of journalists surveyed who reported holding a bachelor’s degree or graduate degree, only 33.4% held degrees in relevant fields such as journalism, media or communications, wherein they would likely have been exposed to theory and international standards regarding journalism professionalism and ethics.

However, supplementary trainings were commonplace among journalists surveyed, with 87.3% of respondents reporting having attended one or more training sessions on professional journalism or related technical skills. Notably, of those who had attended trainings, 60.6% had attended five or more, and all but one journalist surveyed expressed a desire to attend additional trainings. Topics identified by journalists as areas of need for future capacity-building included investigative reporting (30.7%), data and researching (30.7%), and Information Communications Technology (29.3%) and are shown in full in Table 2.

TABLE 2: Areas of training requested by journalists

	N	Percent
Social media	17	22.7%
ICT	22	29.3%
Media law	13	17.3%
A2I	17	22.7%
Journalism ethics	9	12.0%
Interviewing	12	16.0%
News writing	17	22.7%
Investigative reporting	23	30.7%
Political reporting	14	18.7%
Data & Researching	23	30.7%
Other	8	10.7%
Total	75	100.0%

Lack of Access to Information

Cambodian media suffers from a marked lack of access to information on government actions and policies, decreasing the quality of news reporting available to the Cambodian public. One reporter surveyed told CCIM, “Government officials have old thinking that makes it difficult for journalists to get information from them.” Another frustrated freelance reporter told CCIM the lack of access to information is not just a problem of transparency, but also of officials’ competencies, “You can’t get data. Everything is considered a national security secret. I have three different numbers on the population of Cambodia, depending on the ministries I interview. They tell you it’s secret information, but I’m convinced they don’t even have it.”

This lack of information hinders the independence of media, said another reporter, “It affects the journalists in the sense that they will never get enough sources or reliable information they can use in their report. On one hand, people will not be well-informed. On the other hand, the country will not be democratic because people who are the owner of the country do not get enough information to make the decision.”

Of journalists surveyed for this report, 90.3% said that Cambodia’s lack of an Access to Information Law affects their ability to do their job as a journalist, making some subjects difficult if not impossible to report on in a thorough manner. The topics on which journalists reported experiencing the most difficulty in accessing information included national or local budgets, records of land sales or concessions, and salaries of public officials.

Outlook for Cambodian media

Despite the significant challenges facing media in Cambodia, journalists working in the country overwhelmingly recognize the positive contributions that independent media make to Cambodian society. Of journalists surveyed for this report, 54.5% said they help to “increase awareness and education of Cambodian citizens,” while 40.3% said they feel they play a part in “promoting access to information.” Another 32.5% believe they help to “give a voice to marginalized groups,” and 26% said their reporting serves to “promote democracy.” This evidence that journalists recognize and embrace their positive contributions to society bodes well for the future of independent media in Cambodia.

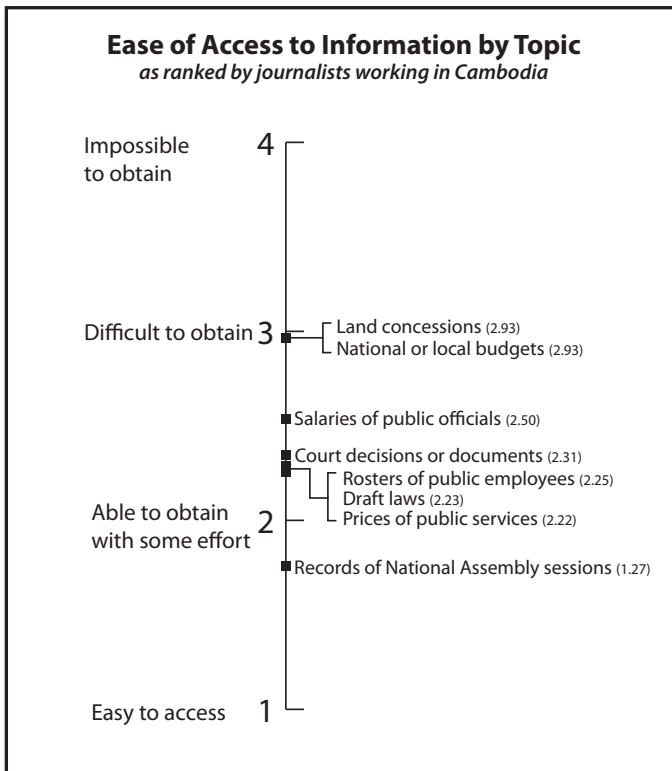
Expansion of digital media

Internet penetration in Cambodia continues to expand rapidly. With 75.7% of respondents reporting in a recent survey of Cambodian mobile Internet users that they use the Internet to access news and information online that they cannot find offline, the Internet presents a ready audience for the expansion of independent digital media in Cambodia, whether through traditional news websites, social media, smartphone applications or other ICT. News organizations should explore all means possible of expanding their online activities in order to provide a growing audience of Cambodian Internet users with real-time access to breaking news.

However, ongoing government efforts to control the Internet either via legislation or through surveillance and censorship, could quickly reverse this trend. The same survey of Cambodian mobile Internet users found that 89.6% felt they would not be able to access independent news and information online were the government to implement plans for monitoring and controlling Internet activities. Likewise, 88.4% would not be willing to engage in online free expression under the same scenario. Journalists should ensure they are well-informed of issues related to Internet freedom in Cambodia and that they report on newsworthy developments in this area in an independent manner.

Increasing access to information

In 2015, the Ministry of Information began working with a coalition of civil society groups to draft an Access to Information Law, and the Ministry has set a goal of achieving a draft law within three years. If drafted and implemented in accordance with international standards, such a law could serve to drastically increase journalists’ access to public records and improve the quality of investigative reporting. However, it remains unclear



Though Cambodia’s lack of an Access to Information Law is a notable hindrance to journalists and everyday citizens seeking information, the existing Press Law’s Article 5 contains a provision outlining a process through which journalists can file information requests with the government. Discouragingly, 38% of survey respondents were unaware of this provision. However, journalists who were aware of the Press Law provision were not necessarily better off. Of the journalists who had filed requests under the Press Law, most (62.9%) did not always receive the information they requested. Moreover, 66.6% received an improper response (either no response at all or only an oral response) from that required by law. This indicates that the Press Law’s lack of a provision outlining the consequences for government bodies that fail to adhere to the law clearly hinders its effective implementation, and this should be considered a lesson learned in the current drafting of a broader Access to Information Law.

Nonetheless, while generally supportive of an Access to Information Law, journalists surveyed for this report also expressed skepticism over the government’s ability to effectively implement such a law. Even if the law were passed, said the editor of a prominent English-language daily newspaper, the government “would probably put up so many roadblocks” as to make it ineffective. Another reporter told CCIM, “It would be a great thing if they actually passed it, but I find it hard to believe it would realistically be implemented well.”

whether the RGC has the political will to draft, pass and implement a law that will improve access to information for journalists and everyday citizens who suffer from a lack of access to information on a daily basis.

Shifting political situation

Licensing for opposition media

CNRP television and radio frequencies granted as part of the July 2014 political negotiations are expected to go on-air in 2015 and will serve as the country's first and only officially opposition-aligned media. Nonetheless, despite the CNRP's incongruously named Cambodian Independent Media Company, the content of its broadcasts will clearly be aligned with opposition political interests and cannot be considered truly independent, maintaining the nation's longstanding drought of independent news and information, particularly on TV. Whether this step of issuing licenses to the CNRP is a precursor to an opening up of the broadcast spectrum to other, truly independent news media remains unclear, though local news outlets should thoroughly explore the possibility it creates for the expansion of independent media over the coming years.

Commitments under international law

Encouragingly, in 2014 and early 2015, the RGC made a number of commitments to improve the rights to freedom of the press, freedom of expression and access to information under international law. As part of the United Nations Universal Periodic Review (UPR) in January 2014, Cambodian government representatives accepted a number of recommendations from the international community, including but not limited to:

- Establish a law on freedom of information in accordance with international standards
- Revise the Penal Code as well as other laws so that they comply with international freedom of expression standards and prevent the harassment of human rights defenders, journalists and NGOs.
- Respect and protect the rights of human rights defenders and journalists to conduct their work without hindrance, intimidation or harassment.
- Adopt legislative and other measures that promote the enjoyment of freedom of expression.

In March 2015, the UN Human Rights Committee provided a number of additional recommendations to the RGC in order to improve its compliance under the International Covenant on Civil and Political Rights (ICCPR), including:

- Take immediate action to investigate complaints of killings and provide effective protection to journalists, human rights defenders and other civil society actors, who are subjected to intimidation

and attacks due to their professional activities.

- Refrain from prosecuting journalists, human rights defenders and other civil society actors as a means of deterring or discouraging them from freely expressing their opinions.
- Consider decriminalizing defamation and bring any other relevant provisions of the Criminal Code into line with Article 19 of the Covenant.

However, the extent of the RGC's commitment to comply with these recommendations is questionable, especially considering the number of violations of press freedom that took place in 2014 following Cambodia's acceptance of UPR recommendations related to that freedom. Without an enforcement mechanism to ensure state compliance with the UPR and ICCPR recommendations, the media and civil society will play a critical role over the coming years in holding the RGC to account regarding its commitments to further freedom of the press, freedom of expression and access to information.

Recommendations

Based on developments in the Cambodian media sector during 2014 and on data collected from its survey of professional journalists, CCIM makes the following recommendations aimed at increasing the independence and professionalism of Cambodian journalists and news outlets.

For the media:

- Publishers, owners and editors must hold themselves to the highest of ethical standards, as outlined in the Cambodian Journalists' Code of Ethics. As they hold positions of influence and leadership within their news organizations, they must ensure the independence of their news content and the ethical behavior of their reporters and news staff.
- Media organizations should commit to provide all support necessary to their reporters in case of an emergency related to their work. All media organizations should develop security policies detailing emergency procedures as well as the types of assistance they will provide to their staff, including but not limited to legal representation, in-country medical treatment, medical evacuation and temporary relocation to a safe house. All media organizations should provide their reporters with NSSF, or accident compensation, and should consider offering medical insurance.
- Increase coverage of RGC compliance to press freedom, Internet freedom, freedom of expression

and access to information rights, particularly in relation to government commitments under the UPR and ICCPR.

- Explore new opportunities for expanding news outlets' online presence, particularly via social media, and for incorporating ICT-based strategies to expand the reach of independent media and increase audience engagement.

For the Royal Government of Cambodia:

- Ensure the Access to Information Law currently being drafted has specific and enforceable punishments for government bodies that fail to comply with information reporting standards. Hold meaningful consultations and incorporate feedback from independent news outlets and journalists prior to finalizing the draft law.
- Decriminalize defamation (Penal Code Article 305) as well as other provisions that are inconsistent with international standards of press freedom and freedom of expression. The judiciary should ensure all journalists tried in Cambodian courts have access to a fair trial and are brought on proper charges under the Press Law instead of the Penal Code.
- Ensure that online press freedom and freedom of expression are explicitly protected by law, either

via a clarification of existing constitutional rights, or through a positive-rights framework, such as the Great Charter for Cambodian Internet Freedom (GCCIF).

- Create a politically independent body responsible for issuance of broadcast licenses. Ensure complete transparency in the licensing process so that public airwaves are open to a range of voices and opinions, as well as independent news. The Ministry of Information should immediately release a full list of television and radio frequencies detailing their ownership.

For civil society:

- Prioritize capacity-building efforts among journalists, particularly in the areas of investigative reporting, ICT and digital media, as part of human rights and good governance programming.

