



International Covenant on Civil and Political Rights

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Human Rights Committee

Information received from Cambodia on follow- up to the concluding observations on its third periodic report*

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* The present document is being issued without formal editing.



Follow-up information to Recommendations 9, 35 and 39 of the concluding observations (CCPR/C/KHM/CO/3)

Information relating to Recommendation 9

1. The Royal Government of Cambodia remains committed to the fight against corruption, as set out in Pentagonal Strategy-Phase I through financial and public administration reform in the areas of justice for good governance, transparency and accountability.
2. The Anti-Corruption Unit (ACU) has introduced a number of priorities such as streamlining law enforcement, promoting public and private sector cleanliness, to prevent and eliminate corruption and impunity at all levels.
3. Whenever the ACU receives information about corruption, even anonymously, it acts as an independent judicial police force. It investigates the matter to build a case, with the goal of bringing the perpetrators to justice and securing convictions under the applicable laws.
4. In the Kingdom of Cambodia, victims of criminal offences are protected by law to seek reparations. Article 39 of the Constitution of the Kingdom of Cambodia states, "Khmer citizens shall have the right to denounce, make complaints or file claims against any breach of the law by state and social organs or by members of such organs committed during the course of their duties. The settlement of complaints and claims shall be the competence of the courts."
5. The ACU prioritises the safety of witnesses, informants, and other relevant individuals in all its operations, taking every possible precaution to protect them. It considers witness safety a non-negotiable condition, and as a result, complainants now feel confident in the ACU's protective measures.
6. To ensure the protection of witnesses or informants is more credible, the RGC is preparing a Draft Law on the Protection of Witnesses and a Law on the Protection of Informants, in consultation with various stakeholders, including civil society.

Information relating to Recommendation 35

7. In the Kingdom of Cambodia, freedom of expression is guaranteed and protected by law. Article 41 of the Constitution of the Kingdom of Cambodia states, "Khmer citizens shall have freedom of expression, press, publication and assembly."
8. Guided by the abovementioned principles, the RGC is open to the exercise of freedom of expression, setting out measures for local authorities to organise public forums where citizens can freely express their opinions and raise concerns, contributing to the betterment of society.
9. In the Kingdom of Cambodia, the criminal law contains no provisions for punishing and imprisoning journalists, human rights defenders and other civil society workers. Authorities do not use legal cases to suppress or discourage these individuals from expressing their views; for example, all newspaper publications are free from censorship.
10. Pursuant to Article 19-3 of the International Covenant on Civil and Political Rights, to which the Kingdom of Cambodia is a State party, the criminal law of the Kingdom of Cambodia sets out the provisions to protect the honour and dignity of individuals, protecting national security, public order, health or public morality.
11. In the Kingdom of Cambodia, threats and arbitrary detention are prohibited. Article 231 of the Criminal Code states, "A threat to commit a felony or a misdemeanour against persons shall be punishable by imprisonment from one to six months and a fine from one hundred thousand to one million Riels, if it is repeated, or made by means of a written document, image or any kind of object."

12. Article 253 of the Criminal Code states, "Anyone who, without judicial authorisation, or who unlawfully arrests, detains or unlawfully confines another person shall be punishable by imprisonment:

- from one to three years if the arrest, detention or unlawful confinement is for less than 48 (forty-eight) hours;
- from three to five years if the arrest, detention or unlawful confinement is for more than forty-eight hours but less than one month;
- from five to ten years if the arrest, detention or unlawful confinement is for one month or more."

13. The RGC welcomes constructive criticism aimed at public officials or its policy, recognising its value in national development. However, the law prohibits criticism that includes defamation, incites unrest, is personally defamatory, or contains false information. Such unlawful criticism, even when expressed by journalists or human rights activists, is subject to legal enforcement to maintain social order.

14. Defamation is a criminal offence because it protects individual honour and dignity, aligning with Article 19.3 of the International Covenant on Civil and Political Rights, to which Cambodia is a State party. Therefore, the RGC currently retains criminal charges for defamation. When individuals understand their duties and responsibilities when exercising their rights, no criminal offence will occur.

15. Previously prepared legal documents currently awaiting approval include Sub-Decree on the Establishment of National Internet Gateway, Draft Amendments to the Law on the Press, Draft Law on Cybercrime, and Draft Law on the Right to Information have been thoroughly examined and have been submitted for extensive consultation. For example, the Draft Law on Cybercrime has been developed based on a number of laws from various countries and based on the Budapest Convention 23X1.2001, with the support of the US Embassy in Cambodia, along with four major US companies: Facebook, Oracle, Google and Amazon.

16. Sub-Decree on the Establishment of the National Internet Gateway has been submitted for consultation with experts in the field of telecommunications, private operators and related institutions in order to protect national security, public order and social morality in line with international standards, especially the International Covenant on Civil and Political Rights.

17. The Kingdom of Cambodia upholds freedom of expression and assembly in all official documents, including ministerial Prakas, complying with Article 19.3 of the International Covenant on Civil and Political Rights. Restrictions on the exercise of the right to freedom of expression and assembly are determined by law to protect the rights and dignity of others, as well as national security, public order, health or public morality.

Information relating to Recommendation 39

18. The competent authorities of the Kingdom of Cambodia are not legally permitted to harass, intimidate and violate or arbitrarily arrest members and supporters of opposition parties, as its Election Law does not grant them such powers.

19. The law protects individuals from arrest, harassment, intimidation, and violence, regardless of their background. Anyone committing these acts shall be punished according to the law. Victims of such offences have the right to file a complaint with the competent authorities. The judicial police are responsible for independently investigating all alleged offences and ensuring that offenders are brought to justice.

- The murder case of Sin Khun was carefully investigated by the competent authorities and the suspect has already been sent to court.

20. In the Kingdom of Cambodia, only judges hold the authority to adjudicate cases, ensuring justice is administered, regardless of opposition party members, any persons, in the name of the Khmer people, following due process and applicable laws. For example, the

Phnom Penh Court of First Instance, a legally established trial court, has conducted hearings to decide on charges against opposition party members in accordance with legal procedures.

- All suspects are presumed innocent.
- All suspects must be informed about the exact charges against them and the reasons for those charges.
- All suspects must be given sufficient time to prepare for their defence and have the opportunity to meet with the lawyer of their choice.
- The date for the start of the trial hearing must be clearly recorded.
- During a trial, suspects have the right to be present and defend themselves.
- Cross-examination is conducted extensively for both aggravating and mitigating factors. No suspects must be forced to confess.
- Following the trial, a verdict is delivered and announced publicly. Anyone found guilty has the right, opportunity, and time to appeal the decision to a higher court. The proceedings conducted by the Phnom Penh Court of First Instance in the case of the opposition party members are asserted to align with all procedures provided for in the International Covenant on Civil and Political Rights.

21. The Election Law of the Kingdom of Cambodia ensures that all eligible individuals can vote and that political candidates and parties have ample opportunity to campaign freely, fairly, and transparently.

22. To ensure voting rights, the Ministry of Interior has provided guidelines and direct instructions to subnational local administrative authorities to properly and thoroughly implement the Election Law. As a result, the 2022 commune elections and the 2023 national elections were reportedly conducted smoothly, freely, fairly, transparently and peacefully, in accordance with the law. For example, in the 7th Legislative Assembly Election 2023, approximately 20 political parties participated, and around 84.5 percent of registered voters cast their ballots.

23. As always, in every national election, the responsible electoral body provides all participating political parties with equal opportunity and time to use the state media outlet, namely Cambodian National Television, to engage in debates on various political issues.
