Freedom of expression is defined by international law as the right to hold opinions without interference and to seek, receive and impart information and ideas of all kinds, regardless of frontiers and through any means, be it orally, in writing or in print, in the form of art, or through any other chosen media.

The right to freedom of expression therefore encompasses the freedom of opinion, freedom of the press, and access to information.
State Obligations regarding the Right to Freedom of Expression

The “obligation to respect” means that States are obliged to refrain from interfering in the enjoyment of freedom of expression by individuals and groups. It prohibits State actions that may undermine the enjoyment of this freedom.

The “obligation to protect” requires States to protect individuals against abuses by non-State actors, foreign State agents, or State agents acting outside of their official capacity.

The “obligation to fulfill” requires States to take measures to ensure that the right to freedom of expression can be realized, in particular to incorporate the right to freedom of expression in its domestic law and guarantee its full enjoyment.

Legal Framework for the Right to Freedom of Expression

The Constitution of the Kingdom of Cambodia ("the Constitution")

The International Covenant on Civil and Political Rights ("ICCPR")

The Universal Declaration of Human Rights ("UDHR")
Restrictions of Freedom of Expression

To determine whether the restriction is permissible, a three-part test applies:

- **Be Provided by Law**

  Article 19, paragraph 3, of the ICCPR requires that restrictions on the right to freedom of expression must be provided by law. In particular, the law must be precise enough to enable an individual to regulate his or her conduct accordingly. Ambiguous or overly broad restrictions on freedom of expression are not permitted. Article 20 prohibits war propaganda and any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence.

- **Pursue a Legitimate Aim**

  Interferences with the right to freedom of expression must pursue one of the legitimate aims enumerated in Article 19, paragraph 3, subparagraph (a) and (b) of the ICCPR. The only goals that may be legitimately invoked to restrict freedom of expression are: (1) respect of the rights or reputations of others; and (2) the protection of national security or of public order (ordre public), or of public health or morals.

- **Be Necessary and Proportional**

  State parties to the ICCPR are obliged to ensure that any legitimate restrictions on the right to freedom of expression are necessary and proportionate. 

  **Necessity** means that there must be a pressing social need for the restriction: the State must show a direct and immediate connection between the expression it wants to restrict and the protected interest.

  **Proportionality** means that the least restrictive measure must be applied if it is capable of achieving the same purpose as a more restrictive one.