



Digital Rights

SUMMARY OF KEY ISSUES FROM PREVIOUS CYCLE

Cambodia received 12 recommendations related to digital rights during the 3rd Universal Periodic Review (UPR) cycle. The government accepted ten of these recommendations, while the remaining two were "noted." The range of recommendations encompassed various aspects of digital rights, including:

- Protect and/or guarantee freedom of expression for all citizens and journalists, including on the internet;
- Ensure civic space and remove restrictions on civil society and other relevant actors.
- Revise legislation that violates freedom of expression: Penal Code, Law on Telecommunications, Inter-ministerial Prakas No. 170. Enact the Law on Access to Information.
- End interference and surveillance of media channels and online speech.

NATIONAL FRAMEWORK

While guarantees of fundamental freedoms, particularly freedom of expression, are provided for under the Constitution, various regulations are implemented to control the internet and content online., including:

- Criminal Code provisions on defamation, disinformation, incitement and Lèse-majesté.
- Law on Telecommunication that provides authorities with monitoring and surveillance powers.
- Inter-Ministerial Prakas No. 170 that authorises officials to monitor and take down online content.
- Sub-decree on the National Internet Gateway which would establish a single internet gateway in the country, allowing the government to control internet data coming from and going outside the country.

CHALLENGES

Since Cambodia’s 3rd UPR, the government has taken successive steps to curtail internet freedoms. These measures heightened during periods of political importance.

Challenge 1: Prosecution of Journalists and Activists

The legal framework is used against journalists, activists and human rights defenders to stifle their calls for public accountability of government officials, or their efforts to shed light on socio-economic problems in the country.

Challenge 2: Blocking of Online Outlets

Websites and social media accounts of online media outlets are periodically blocked due to various justifications. This has been especially prominent during the lead up to the elections.

IMPACTS

These challenges have profound impacts on the country's democratic landscape and collectively undermine the pillars of a resilient democratic society, raising concerns about the vitality of open discourse and informed civic participation.

Impact 1: Environment of Fear and Self-censorship

Prosecution of journalists and activists creates an environment of fear, compelling individuals to self-censor and refrain from effectively holding authorities accountable for policy management. This pervasive fear stifles free speech, limiting the diversity of perspectives and hindering the public's access to crucial information.

Impact 2: Censorship of Information in Politically Critical Period

Blocking online (and independent) media outlets, especially during electoral periods, results in the censorship of crucial information, impeding citizens' ability to make informed decisions, therefore impeding on the democratic process of the country.



CHALLENGES

Challenge 3: Online Public Rebuke towards “Political Opponents”

Social media (especially Facebook given its widespread use) has been misused by prominent political leaders in the country to harass their political opponents by spreading threats, hate speech, and disinformation.

IMPACTS

Impact 3: Normalisation of Hatred

The misuse of online social platforms contributes to normalizing hostility towards opponents of the ruling regime in public discourse. This trend undermines the foundations of civil discourse and fosters a toxic political climate.

RECOMMENDATIONS

1. Ensure that internet-related laws:
 - a. align with international standards and treaties;
 - b. use clear and explicit terminologies and encourage proportionate punishment;
 - c. drafted with input from civil society organisations and meaningful public participation.
2. Revise or repeal the laws and regulations that impose restrictions on internet freedoms:
 - a. Amend provisions disinformation, defamation, lese-majeste and incitement in the Criminal Code;
 - b. Amend the Law on Telecommunications for telecommunication inspection officers to be independent and to require them to publicise their justifications for actions taken;
 - c. Repeal the Inter-ministerial Prakas No. 170 and the Sub-decree on NIG.
3. Proactively engage with civil society actors to gather inputs regarding the following internet-related laws: Law on Cybercrime, Cybersecurity, Access to Information, and a data protection law.
4. Commit to putting an end to the online harassment of civil society actors and opposition politicians.
5. Increase internet access to its citizens to ensure all Cambodians can receive news online. At the same time, increase digital literacy education both in formal education settings such as schools and universities as well as in informal education settings.

QUESTIONS

QUESTIONS

SOURCES

1. Asia Centre (2021) [Internet Freedoms in Cambodia: A Gateway to Control](#), Bangkok, Thailand: Asia Centre and International Center for Not-for-Profit Law (ICNL)
2. Camboja (2022) ‘[Cambodian Journalism Situation Report 2022](#)’, Camboja, at: <https://www.camboja.net/wp-content/uploads/2023/04/2022-Cambodian-Journalism-Situation-Report-EN.pdf>.
3. Califf, Andrew (2023) ‘[Government orders Internet Providers to block media outlets, Kamnotra database](#)’, Camboja News.

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