

FREEDOM ON THE NET 2021

Cambodia

43
/100

PARTLY FREE

A. <u>Obstacles to Access</u>	13/25
B. <u>Limits on Content</u>	18/35
C. <u>Violations of User Rights</u>	12/40

LAST YEAR'S SCORE & STATUS

43 /100 ● Partly Free

Scores are based on a scale of 0 (least free) to 100 (most free). See the [research methodology](#) and [report acknowledgements](#).



Overview

Internet freedom remains under threat in Cambodia. The government has undermined what has the potential to be a reliable and diverse information space by revoking news outlets'

licenses over critical reporting and manipulating the online information environment. Authorities have used legislation to further restrict the online landscape and threaten internet freedoms, creating laws that establish a single internet gateway in the country and expand the government's power to penalize individuals for allegedly interfering with government measures to stop the spread of COVID-19. Individuals increasingly face arrests for online activity and the online environment is characterized by fear and self-censorship. Journalists continue to face physical and online violence related to their online reporting, while technical attacks against government officials and activists continue.

Cambodia's political system has been dominated by Prime Minister Hun Sen and the ruling Cambodian People's Party (CPP) for more than three decades. The country has conducted semicompetitive elections in the past, but the 2018 polls were held in a severely repressive environment that offered voters no meaningful choice. Since then, the Hun Sen-led government has maintained pressure on opposition party members, independent press outlets, and demonstrators with intimidation, politically motivated prosecutions, and violence.

Key Developments, June 1, 2020 - May 31, 2021

- Internet penetration rates in Cambodia improved from the previous year (see A1).
- In February 2021, the government adopted a sub-decree on the Establishment of the National Internet Gateway (NIG), which centralizes internet traffic, enables the government to force internet service providers (ISPs) to block or restrict content, increases the government's ability to conduct surveillance of users' online activity, and requires operators to collect and store bulk data (see A3, B3, C5, and C6).
- In March 2021, in response to a serious COVID-19 outbreak, the government adopted the Law on Measures to Prevent the Spread of COVID-19 and other Severe and Dangerous Contagious Diseases, which it has used to arrest citizens for their online speech related to COVID-19 or vaccines (see C2 and C3).
- In response to exiled Cambodia National Rescue Party (CNRP) leader Sam Rainsy's attempted return in 2019, authorities summoned over 139 CNRP members in November 2020, most of whom live in exile, to stand trial for plotting and incitement to overthrow the government for showing their support for Rainsy via Facebook posts. The trial was ongoing, and the prosecution's evidence relies heavily on private messages between CNRP members and tapped phone conversations (see C3 and C5).

- Journalists, activists, and other internet users increasingly face physical and online harassment for their online posts. In July 2020, Thai prodemocracy activist, Wachalearm Satsaksit was abducted by unknown assailants in Phnom Penh after posting a video on Facebook criticizing Thailand’s prime minister (see C7).

A. Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?

4/6

Score Change: The score improved from 3 to 4 because internet penetration increased during the coverage period.

Internet usage and smart phone adoption in Cambodia has boomed in the past five years and continued to increase during the reporting period. As of January 2021, Cambodia’s internet penetration rate was 52.6 percent, and the number of internet users increased by 14 percent from the previous year. **1** As of June 2021, the speed-testing company Ookla recorded Cambodia’s mobile internet download speed at 25.52 megabits per second (Mbps); Cambodia ranked 91st globally for mobile internet download speeds. The country’s fixed-line broadband download speed was 26.10 Mbps and it ranked 117th globally in this category. **2**

Telecommunications companies have attributed the increase in penetration rate to the heightened use of social media, with the number of Facebook users in Cambodia rising from 8.8 million in 2019 to 9.2 million in 2020. **3**

Internet access, however, is constrained by poor infrastructure. Nationwide power outages pose a challenge to telecommunications companies and impose additional constraints on computer and internet use. **4** During the dry season in 2019 (October through April), the country’s electricity supplier, the Electricity Authority of Cambodia (EAC), stated it had stopped supplying power to large parts of the country because of high demand. **5** However, in 2020 it announced that there would be no power outages in Cambodia throughout the year because of a decline in demand during the COVID-19 pandemic. **6** In 2021, the EAC announced plans to repair and replace equipment for electrical lines, which will cause planned blackouts across the country lasting, in some cases, up to eight hours. **7**

Some other infrastructure improvements, such as the rollout of a “smart-grid” electrical system in the last 10 percent of households in remote villages living without electricity,

started in December 2020. ⁸ However, internet connections can still be extremely slow, especially in remote and rural areas (see A2). Broadband internet services depend on fixed-line networks that are not as easily available in rural areas, thus inhibiting wider internet penetration. As a result, in 2018, internet service providers (ISPs) constructed two submarine fiber-optic internet networks connecting to high-speed international connections, the Malaysia-Cambodia-Thailand (MCT) cable and the Asia-Africa-Europe 1 (AAE-1) cable, covering over 23,000 miles. ⁹ In February 2020, Telecom Cambodia signed a memorandum of understanding (MoU) with the Cambodia Fiber Optic Cable Network (CFOCN) to construct a metropolitan and regional fiber-optic backbone network. ¹⁰

The Cambodian government has demonstrated its commitment to introduce fifth-generation (5G) technology for mobile networks across the country. ¹¹ In April 2020, the Cambodian government signed a memorandum of understanding with the Chinese firm Huawei to build a 5G network in Cambodia. ¹² In July 2019, Smart Axiata began performing 5G equipment tests with the support of Huawei. ¹³ The rollout of the 5G network was expected to begin in 2020, but the COVID-19 pandemic seemingly hindered these plans.

Several mobile carriers have aimed to introduce 5G services, including Cellcard, Smart Axiata, and Metfone. ¹⁴ Throughout 2020, Cellcard launched a telemedicine service through 5G networks, which helped four key health providers in Phnom Penh coordinate their response to the pandemic. ¹⁵

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?

1/3

While internet service remains relatively expensive in Cambodia, it has become more affordable over time, though a gap in access remains between urban and rural areas. In 2020, a typical 4 gigabyte (GB) package of mobile data cost between \$2 and \$5, ¹⁶ and fixed-line connections cost at least \$12 per month. ¹⁷ These costs are expensive for many Cambodians; approximately 4.5 million people continue to live in near poverty. In 2021, the monthly minimum wage was set at \$192 for textile, garment, and footwear industry workers. ¹⁸ Around 85 percent of Cambodians work in the informal sector (including agriculture, fishing and microenterprises) with no minimum wage or protections, often earning far less

than \$192 per month. ¹⁹ ISPs have sought to make their services more affordable, though the introduction of 5G services is expected to increase prices. ²⁰

Those living in urban areas are considerably more likely to have internet access on their phone than those in rural areas. ²¹ In December 2019, Prime Minister Hun Sen met with the president of Axiata Group Berhad, the Malaysian firm that operates Smart Axiata, and called on the firm to expand services in rural regions, schools, libraries, and hospitals. ²² Despite infrastructure improvements, the digital divide around geography has led to rural Cambodians being disproportionately impacted by work- and study-from home policies during the COVID-19 pandemic. An estimated two million children living in the countryside were unable to access government online education programs used for distance learning because they did not have access to smartphones or satellite dishes. ²³

A gender gap in internet usage persists in Cambodia. In 2018, 52 percent of men owned a smartphone, representing 45 percent of internet users in the country, and 46 percent of women owned a smartphone, representing 30 percent of Cambodia's internet users. ²⁴ In 2020, Facebook reported that 42.9 percent of their advertisement audience in Cambodia were women, and 57.1 percent were men. Of these numbers, approximately 99.6 percent of Facebook users access social media websites via mobile phones. ²⁵

Internet use also varies based on education. In 2016, 27 percent of people with no formal education owned a smartphone; that figure stood at 82 percent for those with a university degree or studying at a university. ²⁶ However, the COVID-19 pandemic exacerbated the inequalities of smartphone ownership and internet access. As schools closed to curb the spread of COVID-19, many youths were deprived of access to education. ²⁷ A government study revealed that over 80 percent of students reported having no access to a smartphone or tablet and lacking sufficient internet bandwidth at home. ²⁸

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?

4/6

No government shutdowns of internet or mobile access have been documented in Cambodia, although broad provisions in the laws governing the telecommunications sector could provide the government with the power to do so.

In October 2019, Prime Minister Hun Sen instructed the Ministry of Posts and Telecommunications (MPTC) to address the need for Cambodia to gain direct access to the

international internet gateway without relying on Vietnam or Thailand, for national security reasons. ²⁹ Three operators constitute Cambodia’s backbone network: Telecom Cambodia, Viettel Cambodia, and CFOCN. ³⁰ These operators interconnect with smaller networks, allowing exchanges of information through Wi-Fi, LAN lines, or other means. Telecom Cambodia operates under the jurisdiction of the MPTC and the Ministry of Finance. ³¹

In February 2021, the government adopted the highly controversial sub-decree on the Establishment of the National Internet Gateway (NIG sub-decree) (see B3, C2, C5, and C6). The NIG sub-decree seeks to centralize the government’s control over all incoming and outgoing domestic and international web traffic through a single, national internet gateway (NIG). The government appointed NIG operators and regulatory authorities, specifically MPTC and the Telecommunication Regulator Cambodia (TRC), were given monitoring powers. ³²

Under Article 7 of the 2015 Law on Telecommunications, the MPTC or other relevant ministries have the authority to order telecommunications providers to “take necessary measures” in undefined circumstances of force majeure. The law separately established an enforcement body of “telecommunications inspection officials” to investigate alleged offenses under the telecommunications law, with the authority to call in support from the armed forces. ³³ Under the law, these officials “hold power to temporarily suspend” telecommunications firms’ services and “suspend or fire their staff,” according to the Cambodian League for the Promotion and Defense of Human Rights (LICADHO). ³⁴

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?

4/6

There has been an increasing diversity of service providers in Cambodia, although some obstacles restricting entry into the market persist. The telecommunications market has become increasingly competitive since it opened to private investment in 2006. ³⁵ In April 2020, the TRC reported that there were 68 ISPs and 9 mobile service providers operating in Cambodia. By March 2021, this number dropped to 42 ISPs and 5 mobile service providers. ³⁶

By 2017, the rivalry between the six most prominent mobile operators—Smart Axiata, CamGSM, Viettel, Seatel, Xinwei, and Cadcomms—developed into a race to satisfy the growing market for internet consumption at the lowest possible cost. This race has been ongoing since 2017 ³⁷ and prices have continued to drop, with companies such as Smart

Axiata and Cellcard offering more than \$100 worth of mobile services for \$1. ³⁸ The price war potentially impacts new and small operators seeking to enter the market. However, experts speculate the competition may end with the rollout of 5G services, which could increase costs for customers. ³⁹

In October 2020, the MPTC suspended or revoked the licenses of 17 telecommunications operators for allegedly inaccurately reporting their revenue figures. ⁴⁰ In May 2021, the MPTC levied heavy tax penalties against Cambodian ISPs over purported miscalculation of tax revenues since 2017. These penalties allegedly stem from a change in management at the MPTC; new leaders claim that ISPs have been incorrectly calculating their revenues since 2017. ISPs were ordered to pay back the principal amount owed plus a back charge of two percent interest per month. Some of these penalties are projected to cost millions of dollars, resulting in deterred investment, higher prices for consumers, and smaller firms potentially going out of business. ⁴¹

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?

0 / 4

Cambodia's regulatory body lacks independence, notably due to provisions contained in the 2015 Law on Telecommunications.

The TRC is the main regulatory body for the telecommunications sector in Cambodia. Its objective is ostensibly to regulate the operations of telecommunications networks and services in order to “promote fair, efficient, and transparent competition” in Cambodia. ⁴² Although the TRC proclaims itself to be an autonomous public entity, the telecommunications law significantly undermined its independence by granting the MPTC ultimate authority over the regulator, in a relationship that lacks transparency. ⁴³ The TRC's lack of independence was demonstrated in 2017 when it followed the MPTC's order to block access to the *Cambodia Daily* and other news sites in the run-up to the general election in July 2018 (see B1).

B. Limits on Content

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?

4/6

News and other websites are periodically blocked in Cambodia, particularly those that disseminate information that could be perceived as a threat to the ruling government. The NIG increases the risk that more websites and content will be blocked in the future (see A3 and B3).

In the wake of the COVID-19 pandemic, the Cambodian government has reportedly blocked access to news sites. In March 2020, Monoroom.info, a Khmer-language news website based in France, was blocked after it published numerous articles on the impact of the coronavirus in Cambodia. ⁴⁴ The site was accessible as of April 2021. ⁴⁵ The TRC blocked two websites owned by news outlet TVFB, after the outlet's media license was cancelled and its editor, Sovann Rithy, was arrested (see B2). ⁴⁶

Social media platforms such as YouTube, Facebook, and Twitter were freely available during the coverage period. In July 2018, the government ordered the temporary blocking of 17 websites, including the *Phnom Penh Post*, Voice of America (VOA), and Voice of Democracy (VOD), for 48 hours before that year's election. ⁴⁷ The authorities justified the decision by invoking the electoral law that mandates a silent period before the election, in which campaigning is prohibited in the 24 hours before the polls open. ⁴⁸ However, news outlets perceived as less critical of the government were not blocked.

Websites hosting pornography or sexually explicit images are subject to blocking in Cambodia under the Law on Suppression of Human Trafficking and Sexual Exploitation. ⁴⁹ The MPTC blocked six online gambling sites in June 2020 and six online gaming sites in July 2020 after the government banned online gambling (see B3).

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards?

1/4

The amount of online content removed at the behest of state or nonstate actors remains difficult to assess, as the process is unofficial and nontransparent. However, content was removed following government pressure or user complaints during the coverage period, and

users were forced to sign statements promising to stop posting some content online while they were held in detention (see C3).

With the onset of the COVID-19 pandemic, “fake news” allegations became the standard for cracking down on dissent or criticism of the government. In March 2021, the Ministry of Information reported 200 instances of fake news since the start of the year, in most cases individuals allegedly insulted the king, criticized the government, or caused “social pollution.”

50

In January 2021, two Cambodian workers in Oddar Meanchey province were forced to make a public apology to the local authorities and the government after they posted a video on social media claiming that the authorities provided inadequate food and supplies during their COVID-19 quarantine. 51

1,343 cases of allegedly fake or “objectionable” news from social media posts were documented throughout all of 2020. 52 In October 2020, the Fake News Monitoring Committee of the Ministry of Information announced it had found 145 cases of alleged fake news for posts concerning the Cambodia-Vietnam border, COVID-19, or perceived insults against the king or other senior officials, and forwarded them to the Ministry of Information for further investigation and potential prosecution. 53

In May 2020, an Ministry of Information spokesperson disclosed that over 30 Facebook accounts were under suspicion for purportedly spreading misinformation about the COVID-19 pandemic. The spokesperson also confirmed they had some “degree of cooperation” from Facebook in suspending accounts. 54

The government also revoked the licenses of online news outlets following their reporting. In April 2021, the Ministry of Information revoked the media license of online news outlet Ko1 TV after it posted several videos that allegedly criticized the government’s response to the COVID-19 pandemic. The prime minister then asked the outlet to delete the videos and forced the publishers to issue an apology. 55 In March 2021, two online news outlets, Youth Techo and Stoeng Charl, had their licenses revoked because the government claimed they had spread false information that would cause social unrest. 56 A Ministry of Information employee also had his media license revoked after he mistakenly uploaded a picture on his Facebook page of what he erroneously thought was a wrapped up dead body of a COVID-19 patient. He took the post down but was later fired from his position. 57 Later in March, a popular social media publisher had his media license revoked after he posted a video exposing monks in Siem Reap of physically beating junior monks. 58 Since June 2020, the

Ministry of Information has been reviewing the media license of the *Khmer Nation* newspaper, after its publisher, Ros Sokhet, was arrested for Facebook posts criticizing Prime Minister Hun Sen’s handling of the COVID-19 pandemic and the debt crisis (see C3). ⁵⁹

During last year’s coverage period, in March 2020, TVFB editor Sovann Rithy quoted Prime Minister Hun Sen from a speech about COVID-19. The outlet’s media license was subsequently revoked, the TRC shut down one of its websites, ⁶⁰ and Rithy was arrested (see C3). In April 2020, CKV TV’s license was revoked due to its reporting, which authorities claimed seriously violated journalistic ethics and affected public order. ⁶¹ In May 2020, the Ministry of Information revoked the media licenses for 99.75 FM Radio and the associated Rithysen news site after it reported on a land dispute. Station owner Sok Udom was arrested and charged with inciting to commit a felony. ⁶²

In February 2020, the Cambodian government announced a crackdown on women who dress “too sexily” while advertising on social media. The government claimed that women using their appearance to sell items online damages Khmer culture and that wearing revealing clothing leads to sexual harassment, sexual violence, and human trafficking. ⁶³ The government ordered the Interior Ministry to monitor and take action against posts through “raiding” and “re-education.” ⁶⁴

In January 2020, a Facebook user in Koh Kong Province was questioned after claiming in a post that there was a COVID-19 case in the province. The individual was told to alter the post’s content and was forced to sign a thumbprint agreement with the military police promising not to share more purportedly false information online. ⁶⁵ Similarly, in May 2019, a young rapper removed a song about economic inequality, corruption, land disputes, and police brutality, from Facebook and YouTube after he was allegedly given a warning by local officials, who visited his parents’ home. ⁶⁶

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?

1/4

The government’s restrictions on internet content lack transparency, are vaguely defined, and lack adequate judicial oversight. The MPTC can order ISPs to block websites at the request of other government departments. Implementation of censorship is nontransparent, apparently based on informal communications between government officials and service providers, with limited avenue for appeal.

The NIG sub-decree, adopted in February 2021, grants the government sweeping powers to restrict and block access to digital content (see A3). NIG operators are obligated to collaborate with the MPTC to block or disconnect network connections that affect “safety, social order, dignity, culture, or traditions.” If NIG operators or ISPs fail to comply with these broad conditions, they could incur a range of steep financial penalties and even have their licenses suspended or revoked. **67**

In February 2020, the Ministry of Information confirmed that a government “commission” monitors Cambodian media, including social media platforms. The commission operates under the legal authorization of a May 2018 interministerial *Prakas* (Proclamation) on Website and Social Media Control. If the commission deems online content to be unfit for publication or to contain false information, it will either force the publisher to remove the post or take legal action.

In August 2019, the government threatened to revoke the licenses of or shut down online news outlets purportedly spreading false information that threatened national security. **68** Those that the government deems violate their license conditions can be ordered to remove offending content or to post corrections. The process is not transparent, there is no clear appeal process, and the Ministry of Information is the sole authority for allocating and revoking media licenses. Several news outlets have already had licenses revoked (see B2).

In April 2020, about a month after Prime Minister Hun Sen’s speech to the National Council for Women, **69** which warned against harming the reputation of Khmer culture, **70** the Ministry of Culture and Fine Arts created a new council, the Disciplinary and Accolade Council, to track “illicit content” online.

The Cambodian government banned online gambling in January 2020, citing concerns that the industry was being used for criminal extortion. **71** Officials then began inspecting all casinos nationwide to make sure they shut down their online operations. The government also eliminated the renewal of online gambling licenses, making it illegal once all licenses have expired. **72**

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?

1/4

Self-censorship online among journalists, activists, nongovernmental organizations (NGOs), unionists, and ordinary users is widespread and has reportedly increased in recent years. A

clampdown on civil society has created an environment in which NGOs have increasingly self-censored, restricted, or even completely ceased their activities online. Recent arrests under COVID-19 legislation have only exacerbated self-censorship, with many Cambodians fearful for their safety if they dare express opinions online about the coronavirus pandemic (see C3). **73**

According to a survey conducted by the Cambodia Fundamental Freedoms Monitor (FMM) from April 2020 to December 2020, 52 percent of respondents felt “somewhat unfree” to speak on social media, 9 percent felt “very unfree” and only 4 percent felt “very free.” **74** Additionally, 35 percent of civil society organizations and trade union leaders polled felt unsafe sharing information through social media.

The government’s continued repression of dissenting voices and focus on the spread of purportedly false news **75** was accompanied by an increase in online surveillance, as well as a rise in prosecutions linked to online speech. These factors contributed to a rise in self-censorship. In the FMM public poll, 7 percent of respondents reported they “always” avoided saying what they wanted to in public or online for fear of retaliation. Of those respondents, 17 percent stated they “regularly” felt like they need to self-censor, while 30 percent stated they “sometimes” felt this way. **76**

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?

2/4

The spread of disinformation and misinformation has been a growing concern in recent years. A 2020 report from the Oxford Internet Institute noted the presence of coordinated cybertroop teams that manipulate information on social media on behalf of government agencies, politicians and parties, and citizens and influencers. **77** The teams work to support progovernment messaging, attack the opposition, and spread disinformation.

In August 2020, the *New York Times* reported on a government-directed smear campaign conducted over Facebook which targeted Luon Sovath, a monk and human rights activist who has criticized the government. **78** For instance, a Facebook page shared videos and other disparaging content of the monk allegedly participating in sexual activity. An analysis of the video revealed that the video was created by two government employees who worked for the Press and Quick Reaction Unit, which manufactures and circulates propaganda, suggesting that the video was fake.

Prime Minister Hun Sen, who has more than 10 million followers on Facebook, has been accused of manipulating his page to create an exaggerated perception of his popularity. ⁷⁹ The *Phnom Penh Post* alleged that only 20 percent of Hun Sen’s new “likes” in February and March 2016 came from within the country, with the rest reportedly coming from “click farms” based abroad, in which low-paid workers were employed to like his page. ⁸⁰

The owner of the *Phnom Penh Post*, a Malaysian businessman who purchased the newspaper in May 2018, has reportedly interfered with the paper’s editorial independence by demanding the removal of an article detailing his links to the Cambodian government from its website. The incident compelled 13 journalists and editors to resign and led to the firing of the paper’s chief editor. ⁸¹

The government has also conducted disinformation campaigns against the opposition Cambodia National Rescue Party (CNRP). In November 2019, for example, online news outlet Coda Story reported that opposition supporters were forced to make videos “confessing” that they helped Sam Rainsy, former leader of the CNRP, attempt to return from self-imposed exile. ⁸² In at least one case, a video was shared by progovernment news outlet Fresh News to its Facebook page.

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content online?

2/3

Although economic and regulatory constraints generally do not prevent the publication of online content, a number of media outlets with an online presence have shut down due to high taxes. Separately, online outlets are required to obtain licenses, and several of these licenses were revoked due to the outlets’ reporting during the coverage period (see B2 and B3).

In May 2018, Cambodia’s last remaining independent English- and Khmer-language daily newspaper, the *Phnom Penh Post*, changed ownership in a sale that lacked transparency, after being issued a tax bill of \$3.9 million. Media analysts expressed suspicion that the tax bill was used to coerce the paper’s sale. ⁸³ The *Cambodia Daily* shut down in 2017 when it was unable to pay a \$6 million tax bill levied by the government, which the publication claimed was a politically motivated retaliation for its critical reporting. ⁸⁴ Shortly after the publication’s closure, the *Cambodia Daily* resurfaced as an online-only news outlet.

B7 0-4 pts

Does the online information landscape lack diversity and reliability?

3/4

The government shut down radio stations and newspapers in 2017, during the run-up to the 2018 general election. The internet has since become one of the main sources of news and information for Cambodians, and social media has allowed the proliferation of more diverse content that is free from government influence. ⁸⁵ Many Cambodians now turn to Facebook and the online versions of Radio Free Asia (RFA), VOA, VOD, and Camboja News as key news sources. The *Southeast Asia Globe* and *ASEAN Today* are also independent news sources based in Cambodia. ⁸⁶ At the end of the coverage period, VOD's news site had more than 1.5 million followers on Facebook. ⁸⁷ RFA's Khmer-language Facebook page had more than 7.2 million followers, ⁸⁸ and VOA Khmer had more than 7.5 million, ⁸⁹ placing them among Cambodia's most visited Facebook pages. ⁹⁰ In contrast, Fresh News, an outlet closely associated with the government, had just over 4 million followers at the end of the coverage period.

However, the limited number of independent media outlets remaining has affected the diversity of content online, as has increased self-censorship (see B1, B4, and B6). ⁹¹ Media ownership is highly concentrated, and several major media outlets are affiliated with the ruling CPP.

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?

4/6

Amid heightened restrictions on freedom of assembly, communities, NGOs, and activists have turned to petition websites and social media, particularly Facebook, as platforms for advocacy and to organize assemblies. However, repressive laws, arrests, prosecutions, and increased harassment around digital campaigns have undermined the use of the internet for mobilization (see C2 and C7).

The government's monitoring of social media and frequent arrests of users for their online political activity have impeded Cambodians' ability to mobilize and campaign on political issues (see C3 and C5). In October 2020, at least six journalists reporting on protests on Paris

Peace Agreements Day were threatened by authorities, told to stop shooting live videos, and commanded to give up their phones and cameras. ⁹²

Social media and online petitions have been used to draw attention to issues around gender equality. For instance, on International Women’s Day in March 2020, NGOs drafted and disseminated an online petition calling on the government to protect women’s rights and take concrete steps in implementing recommendations issued by the UN Human Rights Council and the UN Committee on the Elimination of Discrimination Against Women in 2019. ⁹³ During the COVID-19 outbreak, civil society organizations signed an online joint statement calling on the authorities to prioritize the needs of those at increased risk of gender-based violence. ⁹⁴

Throughout the reporting period, civil society organizations have also collaborated online and drafted several joint statements on issues including the NIG sub-decree, ⁹⁵ the ongoing harassment of political activists, ⁹⁶ the arrests of environmental activists, and celebrations of key events virtually. ⁹⁷

C. Violations of User Rights

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?

1/6

Although some articles in the constitution guarantee freedom of expression, constitutional amendments passed in 2018 undermine these rights, and the legal framework imposes significant restrictions on press freedom and freedom of expression, including online. ⁹⁸

Amendments to the constitution and the criminal code, ⁹⁹ adopted in February 2018, were criticized by NGOs and the United Nations (UN) for restricting fundamental freedoms, including freedom of expression online. ¹⁰⁰ In particular, amendments to Articles 42 and 49 of the constitution state that individuals and political parties “shall primarily uphold the national interest” and “shall not conduct any activities which either directly or indirectly affect the interests of the Kingdom of Cambodia and of Khmer citizens.” ¹⁰¹ The broad, vague wording of the amendments leaves them open to abuse, as any legitimate online discourse could be deemed unconstitutional if it ostensibly impacts the national interest.

In April 2020, the Cambodian government passed the Law on the Management of the Nation in a State of Emergency, to respond to the COVID-19 pandemic. This law was heavily criticized by civil society for providing the government with extensive powers to restrict free expression during a state of emergency. ¹⁰² It empowered the government to monitor information online, ban or restrict news and media sharing, and implement other measures it deems necessary. ¹⁰³ Prime Minister Hun Sen prepared a royal decree for the King to use if he decided to declare a state of emergency following a COVID-19 outbreak in November 2020; however, the government did not officially declare a state of emergency during the coverage period.

A 2019 draft Law on Access to Information ¹⁰⁴ contained protections for whistleblowers and had the potential to positively impact free expression online if approved and enforced. However, an updated draft released to the public in August 2019 raised concerns about the law's adherence to international human rights standards, ¹⁰⁵ as well as its use of broad and unclear standards that could threaten access of information and freedom of expression. ¹⁰⁶ For example, the law narrowly defines the type of information and institutions it applies to; lacks effective oversight procedures; permits public authorities to deny disclosure in various overly broad situations; and contains a criminal libel and defamation provision. ¹⁰⁷ In August 2020, the law was finalized and was set to be approved by the Council of Ministers; however, due to delays because of the pandemic, the law had not yet been signed at the end of the coverage period. ¹⁰⁸

In January 2021, the General Commissariat of the National Police issued a directive barring journalists from filming, recording, or livestreaming ongoing police investigations and other duties performed by the police. ¹⁰⁹ If journalists are found to be in violation of this decree, authorities can take legal action against them under the Press Law. Three days before this directive was established, Minister of Information Khieu Kanharith threatened journalists who took photos and covered news related to authorities in "prohibited areas." ¹¹⁰ The new directive is vaguely worded and open to broad interpretation, whereby journalists could be arrested for undertaking legitimate reporting and investigative activities.

In May 2021, the Ministry of Information warned journalists they would face legal action if they broadcasted live within areas with the most stringent lockdown measures, treatment centers, or hospitals. ¹¹¹ This directive came a day after an individual livestreamed interviews with COVID-19 patients and ambulance drivers who had been waiting outside of the Olympic Stadium for hours to access a mass treatment site. Several journalists shared this livestream on their news outlet's Facebook pages, and the video was quickly viewed thousands of times.

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?

1 / 4

While free expression protections are enshrined in the constitution, expression is nonetheless threatened by provisions of Cambodian law, notably under parts of the criminal code. ¹¹²

Recently passed laws and pending legislation impose a range of civil liability and criminal penalties. The NIG sub-decree imposes hefty financial penalties and media license suspension on NIG operators or ISPs who fail to comply with any of the stipulated provisions (see A3 and B3). Fines range from 50 million (\$12,200) to 100 million riels (\$24,440) for individuals, and from 500 million (\$122,200) to 1 billion riels (\$240,000) for legal entities. The NIG sub-decree also includes a vague catch-all penalty clause, which subjects any natural or legal person to punishment under “applicable laws” for committing offenses that “affect national security, social order, or national revenue.” ¹¹³ While the final version of the NIG sub-decree added an appeal process through the courts, civil society organizations have noted that the Cambodian judiciary lacks independence. ¹¹⁴

In August 2020, the government released the draft Law on Public Order, which restricts freedom of expression online by prohibiting the use of writing, images, and other content on social media that endangers national tradition and dignity. ¹¹⁵ The draft law targets women and LGBT+ people by criminalizing clothes that are “too short” or “revealing” in public spaces, including online spaces; the law is an apparent attempt to regulate the types of clothing women wear online and offline. Individuals can be fined between 100,000 (\$24) to 500,000 riels (\$120) and imprisoned from one to six days for engaging in the prohibited activities under the law. ¹¹⁶

The government’s revised draft Law on Cybercrime—which an August 2020 leak revealed had been heavily revised and broadened in scope—raised alarm from rights groups for its potential to intensify the government’s crackdown on free expression (see C6). ¹¹⁷ While the draft law outlaws a few genuine issues such as child sexual abuse imagery, Article 45 permits authorities to fine or imprison persons if they knowingly make or spread a “false statement or disinformation through information technology,” potentially justifying arrests for allegedly false information about national security, public health or safety, relations between Cambodia and other countries, the outcome of a national election, public confidence in the functioning of the government, or other sensitive political issues. ¹¹⁸ If passed, the law would impose a

prison sentence of two to three years and a fine from 4 million (\$980) to 10 million riels (\$2,440) for those allegedly spreading disinformation,¹¹⁹ and a one- to six-month prison sentence and a fine of 100,000 (\$24) to 1 million riels (\$240) for defamation offenses, online or offline (see C1).¹²⁰

Under Article 495 of the criminal code, individuals can be arrested for incitement to disturb public order or affecting the dignity of individuals and public officials—a broadly worded provision that can be used to prosecute online critics of the government.¹²¹ Articles 305 and 307,¹²² which govern defamation and public insult respectively, are frequently used against those engaged in online discourse. The law also covers insults that are “released or displayed to the public,” which allows for the prosecution of individuals in connection with written documents or pictures, even if they did not consent or intend to publish them.¹²³ Those convicted under Articles 305 and 307 can be fined up to \$2,500.¹²⁴ Defamation by media outlets, which is covered under Article 10 of the 1995 Press Law, is punishable with a fine of between \$250 to \$1,200, and outlets convicted must publish a retraction.¹²⁵ People can face prison time in connection with online expression under a variety of criminal charges including forgery, which carries a penalty of up to 10 years’ imprisonment, and incitement to disturb social security or discriminate against a person or group, punishable by up to two and three years in prison, respectively.¹²⁶

A 2018 amendment to the criminal code introduced a *lèse-majesté* offense (Article 437) that criminalizes defamation of, insults of, and threats against the king. The crime is punishable by between one and five years in prison and a fine of \$500 to \$2,500. It also applies to media outlets carrying allegedly insulting content.

The 2015 Law on Telecommunications further increased government control over the information and communication technologies (ICT) sector and threatened the rights to privacy and freedom of expression. Using telecommunications to plan criminal activity or damage property can result in a prison sentence of up to six months and fines of up to \$8,800. Article 80 punishes the “establishment, installation, and utilization of equipment in the telecommunications sector” leading to “national insecurity” with 7 to 15 years in prison.

The 2015 Law on Associations and Non-Governmental Organizations (LANGO) contains provisions—including Article 24, which requires NGOs to act neutrally toward political parties—that have the potential to restrict freedom of expression, including online.

In October 2019, the Cambodian Association for the Protection of Journalists (CAPJ) and the International Federation of Journalists (IFJ) organized an event with the Ministry of

Information to guide amendments to the 1995 Press Law. ¹²⁷ Article 1 of the current Press Law “assures freedom of the press and freedom of publication in conformity with Articles 31 and 41 of the constitution,” but the law does not explicitly cover online media. The law also allows civil action against broadly defined activities; for example, it restricts content that does not promote “the good custom of society” under Article 14, ¹²⁸ violations of which can incur a fine of between \$250 to \$1,200. ¹²⁹

In December 2020, the government announced that updates to the Press Law were being drafted, though they were not released as of June 2021. ¹³⁰

The government has signaled its intent to legislate so-called fake news. ¹³¹ In March 2019, Prime Minister Hun Sen called on relevant ministries to consider drafting a law. ¹³² That August, the Ministry of Information signed the “Angkor ‘Anti-Fake News’ Initiative,” along with the Asia-Pacific Institute for Broadcasting Development and the UN Educational, Scientific, and Cultural Organization (UNESCO), to conduct a yearlong research project examining the effects of disinformation. ¹³³ The ministry expects to use the research to formulate new policies related to the media and the dissemination of false information. ¹³⁴

Criminal code provisions have been used to persecute certain forms of expression, including during the COVID-19 pandemic (see C3). The charges generally used have been “plotting” under Article 453, “defamation” under Article 305, “falsifying information” under Article 425, and “incitement to commit a felony” under Articles 494 and 495. ¹³⁵

In March 2021, the Cambodian government passed the Law on Measures to Prevent the Spread of COVID-19 and other Severe and Dangerous Contagious Diseases. ¹³⁶ Article 11 of this law criminalizes “intentionally obstructing” the implementation of COVID-19 measures and imposes a prison sentence of up to five years and a fine of up to 20 million riels (\$4,890) for offenders. Though Article 11 does not explicitly restrict online freedoms, authorities have already used this provision to target and silence online speech relating to COVID-19 and vaccines (see C3). ¹³⁷

C3 0-6 pts

Are individuals penalized for online activities, particularly those that are protected under international human rights standards?

1/6

Prosecutions for online speech continued as the government targeted dissenting voices in the political opposition and among the general public. Individuals faced several charges, including defamation, insult of a public official, and incitement to commit a felony. ¹³⁸

Authorities arrested and laid charges against CNRP members ahead of Sam Rainsy's attempted return to Cambodia in November 2019. ¹³⁹ The Ministry of Interior stated that anyone posting messages in support of Rainsy on social media would be arrested; ¹⁴⁰ between September and November 2019, approximately 30 supporters were arrested, charged, and detained. ¹⁴¹ Former CNRP provincial council member Thoun Bunthorn and former CNRP provincial secretary Ngin Sophat were arrested in September and accused of plotting the government's overthrow after voicing support for Rainsy's return on Facebook. ¹⁴²

After Sam Rainsy claimed he would return to Cambodia to arrest Prime Minister Hun Sen, the government summoned over 139 CNRP members in November 2020 to stand a mass trial for "plotting" to overthrow the government and "incitement" to commit serious social chaos. ¹⁴³ The majority of those summoned lived in exile and were being tried in absentia. The prosecutors submitted as evidence private communications and private social media messages between CNRP members about organizing Sam Rainsy's return to Cambodia, quotes from party officials at media interviews, and Facebook posts to make their case. ¹⁴⁴ Private phone conversations of two defendants who formerly held executive positions within the CNRP were tapped and used as evidence for incitement and plotting charges; the two defendants were later sentenced to a three-year suspended prison term. ¹⁴⁵ In March 2021, nine former CNRP members, including Sam Rainsy, were sentenced in absentia to between 20 and 25 years in prison. ¹⁴⁶

In July 2020, authorities arrested prominent union leader, Rong Chhun, who had posted on Facebook on behalf of the Cambodia Watchdog Council detailing irregularities in border demarcations around the Cambodia-Vietnam border, which resulted in the loss of hundreds of hectares of land belonging to Cambodian farmers. ¹⁴⁷ The Border Affairs Committee later issued a statement claiming that Chhun's findings were fake news. ¹⁴⁸ Chhun was charged with "incitement" to commit a felony under Article 495 of the Criminal Code and is standing trial over the alleged offense. The evidence relied on during the trial was extracted phone data from two of Chhun's supporters, who were also standing trial, including phone numbers, photos, voice messages, Facebook accounts, and Telegram messages. ¹⁴⁹ In one hearing, the cross-examination reportedly focused solely on extracted private messages between Chhun and one of his supporters, Sar Kanika, as evidence for his conviction. ¹⁵⁰ In August 2021, after the coverage period, Chhun was sentenced to two years in prison and ordered to pay a fine to the Border Affairs Committee. ¹⁵¹

Internet users continued to face arrests and convictions for their online activity. In September 2020, two rappers, Kea Sokun and Long Puthera, were arrested for releasing rap songs on YouTube, one which discussed border issues with Vietnam and another which was allegedly critical of the government's COVID-19 response. ¹⁵² Both rappers were charged with “incitement” to commit a felony. Kea Sokun received a sentence of 18 months in prison, later suspended to 12 months. Long Puthera, a 17-year-old, was sentenced to five months in prison. ¹⁵³

Also in September 2020, three activists from an environmental group, Mother Nature, were arrested for planning, via Facebook, a “one-woman march” to Prime Minister Hun Sen’s home to demand an end to the filling in of Boeng Tamok lake in Phnom Penh. One of the activists was arrested in his home while preparing to livestream the protest on Facebook. ¹⁵⁴ The trio remain in pretrial detention five months later and the Supreme Court denied their bail appeal in February 2021. ¹⁵⁵ In May 2021, the Phnom Penh Municipal Court sentenced one activist to 20 months in prison and the other two activists to 18 months in prison. ¹⁵⁶

That same month, a popular TikTok user was arrested for posting a video on Facebook which reportedly questioned Cambodians’ adoration for the Angkor Wat temple in Siem Reap and claimed it did not belong to Cambodians. The video drew swift criticism, and he was detained, charged for incitement under the criminal code, and forced to issue a public apology video. ¹⁵⁷

In December 2020, an agriculturist was arrested and charged with “insult” and “incitement” to commit crimes for making sarcastic comments online about Prime Minister Hun Sen’s remarks on declaring a state of emergency. The minister of agriculture alleged that his comments, by referencing “birds” and the “flu,” would foster paranoia of rearing chickens and impact Cambodia’s economic recovery. He was put into pretrial detention following his arrest. ¹⁵⁸

As the COVID-19 pandemic took hold worldwide, the Ministry of Health declared it would take legal action against “false” content regarding the virus on social media. ¹⁵⁹ In December 2020, a 35-year-old woman was arrested after posting on Facebook that a market in Kambol district was shut down after a phone-shop owner allegedly died of COVID-19. In the same month, a 17-year-old high school student was briefly detained for posting on Facebook that a COVID-19 patient visited a restaurant in the Preah Vihear area. The 35-year-old woman was forced to sign an agreement to refrain from posting false information and the 17-year-old made a public apology that was broadcasted via a progovernment website. ¹⁶⁰ Between late January and

April 2020, authorities arrested at least 30 individuals, 12 of whom were affiliated with the CNRP, for posting and spreading “fake news” online regarding the COVID-19 outbreak. ¹⁶¹ Human Rights Watch (HRW) reported that many were held in pretrial detention, ¹⁶² while at least one case relied on a private phone call in which the participants discussed the coronavirus’s presence in Cambodia (see C5).

Individuals are arrested specifically for their online posts about government officials. In October 2020, former monk Voeun Kimlon was sentenced to 18 months’ imprisonment for uploading videos on YouTube containing purportedly false information about government officials, including Prime Minister Hun Sen. ¹⁶³ In July 2019, youth activist Kong Raiya was arrested and charged with incitement to commit a felony for advertising t-shirts bearing the likeness and quotes of murdered political analyst Kem Ley on Facebook. Raiya was convicted in June 2020 and received a suspended two-year sentence. ¹⁶⁴ In October 2019, CNRP activist Mai Hongsreang was sentenced to 18 months’ imprisonment after posting altered pictures of public officials on Facebook. In May 2019, a Facebook user Kim Panha was arrested after he was accused of sharing content online that insulted the king and high-ranking government officials. He remained in pretrial detention until September 2019. ¹⁶⁵

Arrests for online activities related to sharing allegedly false information about COVID-19 following the second outbreak of COVID-19 in Cambodia increased in 2021. In April, a man was arrested under the new COVID-19 law for posting a video on the social media app TikTok, in which he stated that the government was incapable of handling the COVID-19 outbreak. If convicted, he could receive a prison sentence between 6 and 36 months and a fine ranging from \$500 to \$2,500. ¹⁶⁶ In February 2021, authorities deported the editor, a Chinese national, of the news site Angkor Today, which publishes news on Facebook and WeChat, after he posted a story about Chinese nationals in Cambodia receiving anonymous texts offering COVID-19 vaccines for \$120. ¹⁶⁷ The government deemed the story fake news and expelled the editor under the new COVID-19 directive, which allows the government to ban entry to foreign nationals who violate quarantine rules or escape from quarantine and refuse treatment. ¹⁶⁸

In February 2021, the Anti-Technology Crime Office arrested two people over social media posts they made regarding China’s Sinopharm COVID-19 vaccine. One was arrested for stating that people were dying from the Sinopharm vaccine. The other was arrested for criticizing the government for distributing a vaccine not yet approved by the World Health Organization (WHO). ¹⁶⁹ Both were charged with incitement and sent to pretrial detention. ¹⁷⁰ In March 2021, the Siem Reap Provincial Court summoned a former CNRP affiliate, Chhun Vean, after

he posted on Facebook claiming that a police officer became paralyzed after taking the vaccine. **171**

Women are increasingly arrested for their online posts. In February 2021, a woman was arrested for selling breast enhancement lotion online and accused of using “overly sexy” and “immortal gestures and words.” She was forced to make a public apology and sign a contract to stop making such posts. **172** That same month, a police officer, Sithong Sokha, faced disciplinary action after she posted a picture on Facebook of herself breastfeeding her baby while wearing her police uniform. She was forced to sign a contract to stop posting breastfeeding pictures in public and in uniform because authorities claimed it affected the honor of the police and the dignity of Khmer women. **173** In response to the disciplinary action, hundreds of people admonished the police department’s actions on Facebook. Due to the strong public backlash, Sokha was later promoted to captain. **174**

After Hun Sen criticized women who sell products online while wearing “revealing” clothing in February 2020, police escorted a woman with an online women’s clothing business to a police station and forced her to sign a document promising to immediately stop publishing pictures of her products. Later that month, she was arrested and charged with “producing pornography” after she posted another photo online; the police claimed that she was wearing only underwear in the posted photo. **175** She was convicted in April 2020 and handed a six-month suspended sentence, which was later reduced to two-and-a-half months. **176**

Journalists across Cambodia continued to be arrested for their online reporting during the coverage period. In June 2020, Ros Sokhet, publisher of the *Khmer Nation* newspaper, was arrested for Facebook posts in which he criticized Prime Minister Hun Sen for not effectively helping people economically and claimed that Sen’s oldest son would be the next Cambodian leader. **177** In November 2020, he received an 18-month prison sentence and a \$500 fine. **178**

In May 2020, Sok Udom, owner of the Rithysen radio station and website, was arrested and charged with incitement to commit a felony after reporting on a land dispute. **179** The government alleged that Udom provoked people to occupy a Wildlife Sanctuary and protest. He was convicted and received a 20-month prison sentence. **180**

In 2017, two RFA reporters were arrested and charged with espionage on allegations that they installed broadcasting equipment in a Phnom Penh guesthouse to secretly send reports to RFA’s headquarters in Washington, DC, after the outlet closed its Cambodia bureau. In December 2019, they were also charged with illegally producing pornography, which led to a reopening of the investigation of their pending espionage charges. The reporters attempted

to appeal the reopening of the investigation, which was rejected by the Supreme Court in October 2020. ¹⁸¹

Authorities continue to charge users under the lèse-majesté amendment of 2018 to Article 437 of the criminal code. At least eight charges and three convictions were made under the amendment. ¹⁸² For example, Sam Rainsy was charged with lèse-majesté in September 2019 for referring to King Norodom Sihamoni as the prime minister’s puppet in an RFA interview. ¹⁸³ In December 2020, he was charged again under the law for allegedly insulting King Norodom Sihamoni in a Facebook post. ¹⁸⁴ In June 2018, a man was arrested in Phnom Penh for posting messages and images allegedly criticizing the monarch on Facebook. He was later convicted and received a 3-year prison sentence and a 5 million riels (\$1,200) fine. ¹⁸⁵ Two other cases ended with prison sentences in 2019: one individual was sentenced to 10 months’ imprisonment for insulting the prime minister in a photograph, ¹⁸⁶ and another received a 3-year sentence for insulting the prime minister in a Facebook post. ¹⁸⁷

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?

3/4

Encryption technology is freely available. There are some limits on anonymous communication.

The authorities cracked down on retailers who failed to register SIM card owners in 2017. ¹⁸⁸ The 2015 Regulation on Cell Phone Data threatens suspensions and fines for mobile service providers who do not register the identities of customers. ¹⁸⁹ The regulation obliges companies to supply police with identification details of SIM card holders on request. ¹⁹⁰ TRC spokesman Im Vutha said in 2016 that the government would monitor telecommunications operators’ databases to prevent unregistered SIM cards from being distributed. ¹⁹¹ According to the TRC, the stricter implementation of the regulation has decreased the number of mobile subscribers from 19.91 million in 2016—ostensibly a saturated market—to 18.27 million in April 2018. ¹⁹² ¹⁹³

Responding to heightened surveillance, Cambodians have increasingly turned to encrypted applications such as WhatsApp to communicate. Government officials also increasingly use encrypted applications. ¹⁹⁴ However, under the NIG sub-decree, ISPs will be required to make users complete online forms with accurate, identifiable information, including real names and birthdates, thus undermining anonymous communication. ¹⁹⁵

The government monitors residents' publicly visible activity online and extralegally surveils private communications, despite the existence of some legal safeguards.

Article 97 of the 2015 Law on Telecommunications criminalizes eavesdropping by private individuals but permits secret surveillance with approval from an undefined "legitimate authority." The law includes no legal or procedural safeguards and appears to authorize undeclared monitoring of "any private speech via telecommunications." ¹⁹⁶ The passing of the NIG sub-decree allows for the government's unfettered surveillance of individuals' online activity, but the extent to which this law will be implemented is not yet known (see A3 and B3).

Private communications have been monitored and published online to discredit public figures in recent years. While members of the ruling CPP have been targeted, individuals affiliated with the CNRP have more often been affected. For example, in October 2017, the progovernment online media outlet Fresh News published purported leaks of CNRP lawmakers' private conversations; Fresh News obtained the messages from the Sei Ha Facebook page, an anonymous page often accused of being a vehicle for government propaganda. ¹⁹⁷

There is also evidence that the government can monitor private phone calls. In January 2018, amid claims of illicit affairs allegedly involving high-ranking government officials, the prime minister implied that the government could access private phone records. ¹⁹⁸ Further, the prosecution in the ongoing mass trial against CNRP members has relied, in part, on tapped private phone conversations for evidence in favor of convictions (see C3).

The monitoring of CNRP members' private communications continued during the coverage period. In December 2020, former CNRP activist, Kong Mas, was arrested in connection with the ongoing mass trial of CNRP officials on "plotting" charges. The authorities confiscated his cell phone. Later, he discovered his Facebook passwords were changed and his account had been hacked. The hackers used his account to send messages to other CNRP members, in what seemed to be an attempt to manipulate recipients of the messages into incriminating themselves. ¹⁹⁹

In June 2019, a spokesman for the National Police announced they were monitoring the social media activity of CNRP supporters ahead of Sam Rainsy’s expected return to Cambodia. ²⁰⁰ That October, a Ministry of Interior official also confirmed that the government was monitoring the movements of and communication between Rainsy and supporters via their phones. ²⁰¹ In September 2019, two CNRP members, Sun Bunthon and Nou Phoeun, were questioned by police; officials addressed the transcript of their private phone conversation, which focused on Cambodia’s political situation and Rainsy’s expected return, during questioning. ²⁰²

In recent years, authorities have stated on numerous occasions that they were monitoring online content. ²⁰³ In 2017, the National Police announced that it was monitoring Facebook to detect and deter “rebel movements against the government.” ²⁰⁴ The ruling party’s five-year strategic plan, adopted in January 2018, strongly emphasizes the need for increased surveillance. ²⁰⁵ The 2018 interministerial Prakas on Website and Social Media Control gives extensive surveillance powers to the government and mandates that the MPTC, the Ministry of Information, and the Ministry of Interior form a special unit to effectively “police” social media, ostensibly to fight against fake news (see B3). ²⁰⁶ In October 2019, the Ministry of Interior’s information technology department announced plans to create a Security Operation Center (SOC), which it said would monitor online threats on all digital platforms. ²⁰⁷ In January 2021, the Ministry of Information announced its intentions to increase monitoring of TikTok and private communications platforms, including WhatsApp, Telegram, and Messenger. ²⁰⁸

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users’ right to privacy?

1/6

Service providers are required to provide communication information to the government, though this process lacks judicial oversight. Article 6 of the 2015 Law on Telecommunications mandates that “all telecommunications operators and persons involved with the telecommunications sector shall provide to the MPTC [all] telecommunications information and communication technology service data.” ²⁰⁹ There is no requirement for a judicial warrant or other safeguards, and the law places no limits on how long data can be stored. ²¹⁰

The NIG sub-decree contains a catch-all clause requiring NIG operators to maintain technical records, lists of internet protocol (IP) addresses, and internet traffic records (see A3, B3, and C2). Under this clause, bulk data must be collected and maintained with no clear purpose. ²¹¹

The draft Law on Cybercrime obliges all ISPs to retain and maintain the data of internet users for a minimum of 180 days and obliges ISPs to provide the user-identifiable data upon request from the competent authorities (see C2). **212**

The interministerial Prakas on Website and Social Media Control also obliges ISPs to “install software programs and equip internet surveillance tools to easily filter and block any social media accounts or pages” deemed illegal. **213** The Prakas does not provide for any right to challenge a decision taken pursuant to its mandates, nor does it provide for judicial recourse for users whose rights are negatively affected by its implementation. **214** There were no updates on its implementation during the coverage period.

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?

2/5

Score Change: The score declined from 3 to 2 due to cases of physical violence against activists and journalists and an enforced disappearance of a Thai prodemocracy activist from Cambodia.

Journalists, activists, and individuals face increasing violence and threats in Cambodia. A threat-assessment survey published by the Cambodian Center for Independent Media (CCIM) in 2017 found that 38 percent of surveyed journalists reported being verbally attacked or physically assaulted while carrying out their duties, while 47 percent said they had been threatened in the past. **215** Since 1994, at least 13 journalists have been killed as a result of their work in Cambodia, though not all of these deaths were directly linked to online activity. **216**

Numerous attacks against journalists were reported during the coverage period. In September 2020, four online news journalists were attacked by timber traders; the journalists had previously identified the timber traders as perpetrators of forestry crimes in the area. **217** In August 2020, activist Chheoun Daravy was arrested and shoved into a car by plainclothes officers after she live streamed her experience dealing with security personnel while protesting for union leader, Rong Chhun’s release from prison. In March 2021, a journalist and publisher of a digital news outlet, Anachak Khmer, was physically assaulted by unknown assailants while he slept outside of a temple in Siem Reap. He suffered severe injuries to his face and head and alleged that his attack was premeditated in retaliation against his articles on illegal logging in the area. **218**

In June 2020, Thai prodemocracy activist Wanchalearm Satsaksit disappeared in Phnom Penh. After escaping Thailand during the country's 2014 military coup, Wanchalearm fled to Cambodia, where he maintained his online criticism of the Thai government. In early June, he posted a video on Facebook criticizing Thailand's prime minister. A day later, witnesses reported seeing his abduction at the hands of unidentified armed men. In July 2020, Cambodian authorities claimed that they had no information regarding Wanchalearm's abduction or his whereabouts, which were still unknown at the end of the coverage period. ²¹⁹

²²⁰

Government authorities also pressure people directly based on their online activity and have orchestrated smear campaigns online to intimidate and harass users (see B5). The government summoned three civil society groups—the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), Sahmakum Teang Tnaut, and Transparency International—to a meeting in September 2019, after the groups released a joint report exposing unethical lending practices of microfinance institutions. After the report was disseminated online, authorities requested that the organizations sign a document stating that the information was inaccurate, which they refused to do. ²²¹ In January 2020, Prime Minister Hun Sen threatened to arrest LICADHO's deputy director, after they publicly expressed concern about the arrests of individuals sharing allegedly false information about COVID-19. ²²² In a July 2020 article, the progovernment news outlet *Khmer Times* reported that an investigation conducted by the Cambodia Microfinance Association claimed that LICADHO used a “misleading and biased” methodology to develop a separate report on the overwhelming indebtedness of garment factory workers affected by COVID-19. The *Khmer Times* further expressed its commitment to revealing the “shortcomings” of LICADHO. ²²³

In March 2020, the Ministry of Health disclosed that members of Cambodia's Muslim community contracted COVID-19 after traveling to Malaysia; after the announcement, a wave of hateful, Islamophobic rhetoric was witness online. ²²⁴ Following the first recorded community outbreak of COVID-19 in Cambodia, the government released personal, identifying information of confirmed coronavirus patients on the Ministry of Health's social media accounts. ²²⁵ The published information included names, age, sex, workplace, and home address, raising alarm among UN human rights experts and local rights groups who asserted that the public health crisis does not warrant the complete abandonment of privacy and data rights. ²²⁶ Local rights groups also expressed their concerns that the release of these individuals identities could lead to their discrimination and harassment. ²²⁷

Social media accounts and websites face technical attacks in Cambodia. Targets include government officials, civil society leaders, activists, and media outlets.

In March 2019, the YouTube and email accounts of activist monk Luon Sovath, who used social media to document social justice issues in Cambodia, were hacked. ²²⁸ In July 2018, the website of the Cambodian Human Rights and Development Association (ADHOC) was reportedly hacked by a group called TurkSiberKarargh. ²²⁹ In February 2019, Prime Minister Hun Sen’s official Facebook page was reportedly hacked. Hackers posted a message from the account threatening to block Facebook in Cambodia and deleted some of the page’s posts. ²³⁰ Facebook pages of several media outlets, including the *Khmer Times*, Bayon Television, and BTV, have all been reportedly hacked in recent years. ²³¹

There are also reports of hacking attempts by actors abroad. A July 2018 report by the US-based cybersecurity firm FireEye described apparent efforts by a China-based espionage group to compromise Cambodian online infrastructure related to election administration. ²³² A Chinese hacking group dubbed “Rancor” reportedly targeted Cambodia and other countries in southeast Asia in December 2018 and June 2019, in an attempt to steal confidential data. ²³³ In November 2020, a cybersecurity firm, Recorded Future’s Insikt Group, reported that known Vietnamese hacker groups created malware documents which could extract data from the Cambodian government. ²³⁴ In December 2020, the MPTC warned Telegram users of a new hacking scheme whereby hackers created fake accounts under the name of senior government officials or other well-known individuals and sent links containing malware to users. If opened, the malware allows the hackers to obtain remote access to control the person’s device and steal their personal data. ²³⁵

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Footnotes

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More footnotes 



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Country Facts

Global Freedom Score

23/100  Not Free

Internet Freedom Score

44/100  Partly Free

Freedom in the World Status

Not Free

Networks Restricted

No

Social Media Blocked

No

Websites Blocked

Yes

Pro-government Commentators

Yes

Users Arrested

Yes

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