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Freedom House

Freedom on the Net 2020 - Cambodia

PARTLY FREE

43

/ 100

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LAST YEAR'S SCORE & STATUS

43 / 100 Partly Free

Scores are based on a scale of 0 (least free) to 100 (most free)

Overview

Internet freedom remains under threat in Cambodia. A reliable and diverse information space has been undermined by website blocks, the revocation of online news outlets' licenses over critical reporting, and content manipulation. Prime Minister Hun Sen has also repurposed the COVID-19 health crisis to continue arresting and charging members of the banned opposition Cambodian National Rescue Party (CNRP) for their social media posts, as well as ordinary users for their online speech. Criminal charges for online activities contribute to an environment of fear and self-censorship.

Cambodia's political system has been dominated by 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, 2019 - May 31, 2020

- In March 2020, the government blocked Monoroom.info, a Khmer-language news site based in France, after it published articles on the impact of the novel coronavirus in Cambodia (see B1).
- The government revoked licenses of several online news outlets and subsequently shut them down due to their reporting on issues such as land disputes and COVID-19, along with reporting that was critical of the government (see B2, B3, and C3).
- In February 2020, the Cambodian government announced that women who dress “too sexily” while selling products on social media were damaging Khmer culture and causing sexual harassment, violence, and human trafficking; later that month, one woman was arrested and charged with “producing pornography” for Facebook posts deemed suggestive (see B2 and C3).
- New research published in September 2019 identified coordinated cybertroop teams that manipulate content on social media platforms. In at least one case, a government unit was found to have directed a smear campaign against an activist monk (see B5 and C8).
- The Law on the Management of the Nation in a State of Emergency, which was passed in April 2020, provides the authorities with extensive powers to restrict free expression and access to information if a state of emergency is imposed (see C1).
- Ahead of exiled CNRP leader Sam Rainsy's attempted November 2019 return to Cambodia, authorities arrested, detained, and pressed charges against CNRP members; the authorities also surveilled the private and public communications of party members (see C3 and C5).

A Obstacles to Access

Increasing smartphone penetration has enabled a greater number of Cambodians to access the internet regularly. As in past years, the impact of expanded access remains concentrated in urban areas.

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet 3 / connections? **6**

Internet usage in Cambodia has boomed in the past five years and continued to increase during the reporting period. The Telecommunication Regulator of Cambodia (TRC) counted 15.2 million internet subscribers in April 2020, compared to 13.8 million in December 2018.¹ The TRC also counted 20.7 million smartphone users in April 2020.² As of August 2020, the speed-testing company Ookla reported Cambodia’s mobile internet download speed at 18.54 Mbps (placing the country in 107th place globally for this category) and its fixed-line broadband speed at 23.63 Mbps (placing Cambodia in 108th place in this category).³

Telecommunications companies have attributed this increase to the heightened usage of social media, with the number of Facebook users in Cambodia rising from 6.8 million in 2018 to 8.8 million in 2019.⁴ A commensurate shift in smartphone adoption was noted during the same period.

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.⁵ Despite recent improvements, connections can still be extremely slow, especially in remote and rural areas. 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.⁶

Several mobile carriers have aimed to introduce 5G services, including Cellcard, Smart Axiata, and Metfone.⁷ In July 2020, after the coverage period, Smart Axiata began performing 5G equipment tests with the support of Chinese firm Huawei.⁸

The Cambodian previously signed a memorandum of understanding with Huawei in April 2019 to build a 5G network that is expected to be rolled out in 2020.⁹ In January 2020, officials from Ministry of Posts and Telecommunications of Cambodia (MPTC) travelled to Beijing to participate in a 5G training session conducted by the China Academy of Information and Communications Technology.¹⁰

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the 1 / population for geographical, social, or other reasons? **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 2018, a typical 4 GB package of mobile data cost between \$2 and \$5,¹¹ and fixed-line connections cost at least \$12 per month,¹² making access expensive for many Cambodians. By comparison, approximately 4.5 million people continue to live in near-poverty. In September 2019, the government set the country’s monthly minimum wage to \$190.¹³ ISPs have sought to make their services more affordable, though the rollout of 5G services is expected to increase prices.¹⁴

Those living in urban areas are considerably more likely to have internet access on their phone than those in rural areas.¹⁵ 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 areas, schools, libraries, and hospitals.¹⁶

A gender gap in internet usage persists in Cambodia. In 2016, 54 percent of men and 41 percent of women owned a smartphone.¹⁷ In 2018, 52 percent of men owned a smartphone and represented 45 percent of internet users in the country, while 46 percent of women owned a smartphone and counted as 30 percent of Cambodia’s internet users.¹⁸

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.¹⁹

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of 4 / restricting connectivity? **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. The National Internet Gateway (NIG), proposed in July 2020, after the coverage period, would centralize the government’s control over web traffic.

Under Article 7 of 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.²⁰ Under the law, these officials “hold power to temporarily suspend telecoms firms’ services and suspend or fire their staff,” according to the Cambodian League for the Promotion and Defense of Human Rights (LICADHO).²¹

In October 2019, Hun Sen instructed the MPTC to address the need for Cambodia to gain direct access to the international internet gateway without relying on Vietnam or Thailand, citing national security.²² In July 2020, after the end of the coverage period, the government drafted a subdecree to establish the NIG, which will centralize all web traffic through one point.²³ A government-appointed operator will manage the NIG, giving it control over internet connections and other content in an effort to ensure “social order” and protect “national security.” Civil society groups have expressed concern over the broad powers provided to the government under the decree, along with its vague language.

Three operators constitute Cambodia’s backbone network: Telecom Cambodia, Viettel Cambodia, and Cambodia Fiber Optic Cable Network.²⁴ These operators interconnect with smaller networks, allowing exchanges of information through Wi-Fi, LAN lines, or other means. Telecom Cambodia operates under the MPTC and the Ministry of Finance.²⁵

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 2006.²⁶ In April 2020, the TRC reported that there were 68 ISPs and 9 mobile service providers operating in Cambodia.²⁷

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, potentially creating a challenge for new operators seeking to enter the market. In 2017, CamGSM, the operator of mobile service provider Cellcard, promoted a discount to its customers offering \$100 worth of mobile services for \$1; in response, Smart Axiata launched a promotional package offering \$125 worth of mobile services for \$1, including data, calls, and messaging.²⁸ TRC spokesperson Im Vutha subsequently noted that while low costs appeal to consumers, it was important to balance profit and long-term sustainability.²⁹ After warning against the price war throughout the year, in late 2017, the TRC spokesperson announced that the regulator would no longer intervene in the rivalry between mobile operators.³⁰ The price war has continued since 2017,³¹ and prices have continued to drop, with companies such as Smart Axiata and Cellcard offering more than \$100 worth of mobile services for \$1.³² However, this activity may end soon; in January 2020, Cellcard warned that the pending 5G rollout could herald price increases for customers.³³

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 as a result of 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.³⁴ 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.³⁵ 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

Online content was subject to continued restrictions during the coverage period, and authorities revoked licenses for media outlets over their online reporting, including during the COVID-19 pandemic. Self-censorship among journalists, activists, nongovernmental organizations (NGOs), and ordinary users has reportedly increased in recent years. Moreover, new research and reporting detailed the extent to which government officials manipulate information online for political gain.

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content? 4 / 6

Score Change: The score improved from 3 to 4 because the government did not extend blocks on independent news outlets originating during the 2018 election period.

News and other websites are periodically blocked in Cambodia, particularly those that disseminate information that could be perceived as a threat to the ruling CPP.

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 novel coronavirus in Cambodia.³⁶ It remained inaccessible as of July 2020.³⁷ The TRC claimed that it would block two websites owned by TVFB after the outlet’s media license was cancelled and its editor, Sovann Rithy, was arrested (see B2).³⁸ However, one of the outlet’s websites was still accessible.

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 the election.³⁹ 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.⁴⁰ 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.⁴¹

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content 1 / hosts, or digital platforms to delete content? 4

Score Change: The score declined from 2 to 1 because the authorities revoked the licenses of, and subsequently shut down, online news outlets over their reporting.

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).

During the coverage period, the government revoked the licenses of online news outlets following their reporting. In March 2020, TVFB editor Sovann Rithy quoted Prime Minister Hun Sen from a recent speech relating to COVID-19. The outlet’s media license was subsequently revoked and the TRC shut down one of its websites.⁴² Rithy was also arrested (see C3). In April 2020, CKV TV’s license was revoked due to its reporting.⁴³ In May 2020, the Information Ministry 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.⁴⁴ In June 2020, after the coverage period, the Information Ministry was reportedly reviewing the media license of the *Khmer Nation* newspaper, after its publisher, Ros Sokhet, was arrested for Facebook posts criticizing Hun Sen (see C3).⁴⁵

In May 2019, a young rapper removed a song, which focused on economic inequality, corruption, land disputes, and police brutality, from Facebook and YouTube after he was pressured by local officials who visited his parents’ home.⁴⁶ In January 2020, a Facebook user in Koh Kong Province was questioned after claiming there was a COVID-19 case in the province in a post. 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.⁴⁷

In May 2020, an Information Ministry 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.⁴⁸

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 damage Khmer culture and that wearing revealing clothing leads to sexual harassment, sexual violence, and human trafficking.⁴⁹ The government ordered the Interior Ministry to monitor and take action against the posts through “raiding” and “re-education.”⁵⁰ One woman was subsequently arrested over Facebook posts that were deemed overly suggestive during the coverage period (see C3).

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, 1 / or an independent appeals process? 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.

In February 2020, the Information Ministry 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 then either force the publisher to remove the post or take legal action. In October 2019, the ministry voiced its interest in collaborating with Facebook to limit the spread of purportedly false information online.⁵¹

In August 2019, the government threatened to revoke the licenses of or shut down online news outlets that spread purportedly false information that threatens national security.⁵² 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 Information Ministry is the sole authority for allocating and revoking media licenses. Several news outlets have had licenses revoked during the coverage period (see B2).

In April 2020, about a month after Prime Minister Hun Sen’s speech to the National Council for Women,⁵³ which warned against harming the reputation of Khmer culture,⁵⁴ the Ministry of Culture and Fine Arts created a new council to track “illicit content” online.

Pornography or sexually explicit images are prohibited by Articles 38 and 39 of the Law on Suppression of Human Trafficking and Sexual Exploitation.⁵⁵

The Cambodian government banned online gambling in January 2020, citing concerns that the industry was being used for criminal extortion.⁵⁶ Officials then began inspecting all casinos nationwide to make sure they shut down their online operations.⁵⁷ The government also eliminated the renewal of online gambling licenses, making it illegal once all licenses have expired.⁵⁸

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship? 1 / 4

Self-censorship online among journalists, activists, NGOs, and ordinary users is widespread and has reportedly increased in recent years. The government’s continued repression of dissenting voices and focus on the spread of purportedly false news⁵⁹ 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.

A clampdown on civil society has created an environment in which NGOs have increasingly self-censored, restricted, or even completely ceased their activity online. A survey of NGOs and trade union leaders carried out in late 2019 revealed that 22 percent of respondents “always” felt “worried when expressing themselves publicly to the point that they did not say what they wanted to” during the previous year. Another 18 percent stated they “regularly” felt that way, while 48 percent stated they “sometimes” did.⁶⁰ According to a March 2020 report, 88 percent of civil society and trade union leaders said they self-censored when speaking in public, compared to 87 percent the previous year.⁶¹

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 September 2019 report from the Oxford Internet Institute noted the presence of coordinated cybertroop teams that manipulate information on Twitter for at least three government agencies and at least one politician or party.⁶² The teams work to support preferred messaging and attack the opposition.

In August 2020, after the coverage period, the *New York Times* reported on a government-directed smear campaign which targeted Luon Sovath, a monk and human rights activist who has criticized the government, on Facebook.⁶³ For instance, a Facebook page shared video and other disparaging content of the monk allegedly participating in sexual activity. An analysis of the video revealed personal information that belonged to government employees who worked for the Press and Quick Reaction Unit, which manufactures and circulates propaganda.

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.⁶⁴ 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.⁶⁵ Responding to the allegations in February 2018, exiled opposition leader Sam Rainsy’s lawyers filed a complaint against Facebook in California, asking the tech giant for information on Hun Sen’s account, including the amount of state money spent on advertisements and the alleged purchase of likes from the click farms.⁶⁶ In May 2018, the California court denied Rainsy’s request for information retrieval after originally stating that it would demand some of the information from Facebook.⁶⁷ Rainsy was previously found guilty of defamation in 2016 for claiming that the prime minister’s likes were not genuine.

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 editor in chief.⁶⁸

The government has also conducted disinformation campaigns against the opposition CNRP. In November 2019, for example, online news outlet Coda Story reported that opposition supporters were forced to make videos “confessing” that they helped Rainsy attempt to return from self-imposed exile.⁶⁹ 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.⁷⁰ 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 retaliatory act for its critical reporting.⁷¹ Shortly after the publication’s closure, the *Cambodia Daily* resurfaced in late 2017 as an online-only news outlet.

B7 0-4 pts

Does the online information landscape lack diversity? 3 / 4

The government shut radio stations and newspapers down 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.⁷² Many Cambodians now turn to Facebook and the online versions of Radio Free Asia (RFA), VOA, VOD, and the newly established Cambojanews as key news sources. The *Southeast Asia Globe* and *ASEAN Today* are also independent news sources based in Cambodia.⁷³ VOD’s news site has more than 1 million followers on Facebook⁷⁴ and 20,000 daily visits to its website. RFA’s Khmer-language Facebook page has more than 6 million followers,⁷⁵ and VOA has more than 7 million,⁷⁶ placing them among Cambodia’s most visited Facebook pages.⁷⁷ In contrast, Fresh News, a news site closely associated with the government, has just over 3 million followers.

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).⁷⁸ Media ownership is also 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 4 / political and social issues? 6

Amid heightened restrictions on freedom of assembly, local communities, NGOs, and activists have turned to petition websites and social media, particularly Facebook, as platforms for advocacy. However, repressive laws, arrests, prosecutions, and increased harassment around digital campaigns have undermined the use of the internet for mobilization (see C3 and C7). The government monitoring of social media and frequent arrests of CNRP members for their online political activity have impeded Cambodians’ ability to mobilize and campaign on political issues (see C3 and C5).

Social media and online petitions have also been used to draw attention to gender issues. 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 2019.⁷⁹ During the COVID-19 outbreak, civil society organizations signed an online joint position statement calling on the authorities to prioritize the needs of those at increased risk of gender-based violence.⁸⁰

C Violations of User Rights

In response to the COVID-19 pandemic, the government passed the Law on the Management of the Nation in a State of Emergency, which would restrict free-expression rights if and when a state of emergency is imposed. Prosecutions for online speech continued against former opposition members as well as ordinary users who criticized the government on social media.

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to 1 / information, and press freedom, including on the internet, and are they enforced by a judiciary that 6 lacks independence?

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.⁸¹

Amendments to the constitution and the criminal code⁸² adopted in February 2018 were criticized by NGOs and the UN for restricting fundamental freedoms, including freedom of expression online.⁸³ In particular, observers have expressed concern about amendments to Articles 42 and 49 of the constitution, which 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.”⁸⁴ The broad, vague wording of the amendments leaves them open to abuse, as any legitimate online discourse could be deemed unconstitutional if it were determined to affect the national interest.

In April 2020, the Cambodian government passed the Law on the Management of the Nation in a State of Emergency in response 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.⁸⁵ The law would allow the government to monitor information online, ban or restrict news and media sharing, and implement other measures it deems necessary.⁸⁶ The government did not declare a state of emergency during the coverage period.

A draft access-to-information law, which was made public in January 2018,⁸⁷ 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,⁸⁸ as well as its use of broad and unclear standards that could threaten access of information and freedom of expression.⁸⁹

In May 2018, the National Election Committee (NEC) issued a code of conduct for the media ahead of that year’s election, which prohibited the publication of news “leading to confusion and confidence loss in the election” and “expressing personal opinion or prejudice,” among other restrictive provisions.⁹⁰ UN experts warned that the code of conduct uses “broad and imprecise terminology that could lead to sweeping restrictions on the media” during electoral periods.⁹¹ It also imposed fines on journalists who breach these provisions, including by interviewing voters in the vicinity of polling stations or by publishing news that is perceived to undermine political stability or decreases public confidence in the election.⁹²

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities? 1 / 4

While free-expression protections are enshrined in the constitution, expression is nonetheless threatened by provisions of Cambodian law, notably parts of the criminal code.⁹³

Individuals can be arrested for disturbing 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.⁹⁴ Articles 305 and 307 of the criminal code,⁹⁵ which govern defamation and public insult respectively, are frequently utilized 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.⁹⁶ Those convicted under Articles 305 and 307 can be fined up to \$2,500.⁹⁷ Defamation by media outlets, which is covered under Article 10 of the 1995 Press Law, is punishable with a fine of \$250 to \$1,200, and outlets convicted must publish a retraction.⁹⁸ People can face prison time in connection with online expression under a variety of 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—broadly defined crimes punishable by up to two and three years in prison, respectively.

A 2018 amendment to the criminal code introduced a new *lèse-majesté* offense (Article 437) that makes it illegal to defame, insult, or threaten the king. The crime is punishable by between one and five years in prison and a fine of \$500 to \$2,500. The justice minister reportedly told the *Phnom Penh Post* that the *lèse-majesté* law would also apply to media outlets carrying purportedly insulting content. In May 2018, the Information Ministry warned media outlets that that distributing or reposting material that insults the king in print, online, or otherwise constitutes a *lèse-majesté* offense.⁹⁹

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, another broadly defined offense, 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. Critics have expressed concern that the heavy penalties attached to this vaguely stated clause could be abused to prosecute legitimate activity.

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, with the support of the International Federation of Journalists (IFJ), organized an event with the Information Ministry to guide amendments to the 1995 Press Law.¹⁰⁰ 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 14.¹⁰¹ An Article 14 violation can incur a fine of \$250 to \$1,200.¹⁰²

The IFJ made recommendations in several areas; for example, it called for an end to restrictions on journalistic activity through the use of media licenses as well as an end to civil damage penalties for defamation by journalists and publishers.¹⁰³ While the information minister vowed to consider the forum’s recommendations,¹⁰⁴ the ministry made no subsequent updates and published no draft amendments.

The government has signaled its intent to legislate around so-called fake news.¹⁰⁵ In March 2019, Hun Sen called on relevant ministries to consider drafting a law.¹⁰⁶ That August, the Information Ministry signed the “Angkor ‘Anti-Fake News’ Initiative,” along with the Asia-Pacific Institute for Broadcasting Development and UN Educational, Scientific, and Cultural Organization (UNESCO), to conduct a yearlong research project examining the effects of disinformation.¹⁰⁷ The ministry expects to use the research to formulate new policies related to the media and the dissemination of false information.¹⁰⁸

Criminal code provisions have been used to criminalize certain forms of expression, notably 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.^{[109](#)}

In July 2019, the government announced that relevant ministries were reviewing a draft anticybercrime law.^{[110](#)} Such a law has been proposed a number of times since 2012,^{[111](#)} and leaked drafts have been published in the meantime, including a 2014 version that drew sharp criticism over a number of restrictive provisions.^{[112](#)} The draft was being revised as of July 2020. If passed, it will create a strategy for how the internet is governed.^{[113](#)}

C3 0-6 pts

Are individuals penalized for online activities? 1 / 6

Prosecutions for online speech continued as the government cracked down on dissenting voices in the political opposition and among the general public. Individuals faced several charges, including defamation and insult of a public official, during the coverage period, and specifically during the COVID-19 pandemic.^{[114](#)}

Authorities arrested and laid charges against CNRP members ahead of Sam Rainsy’s attempted return to Cambodia in November 2019.^{[115](#)} The Ministry of Interior that anyone posting messages of support on social media would be arrested.^{[116](#)} Between September and November 2019, approximately 30 supporters were arrested, charged, and detained.^{[117](#)} 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.^{[118](#)} Authorities notably read a transcript of a private phone call in the case of two supporters who were charged with incitement, defamation, and violating a Supreme Court order in September (see C5). When it became clear that Rainsy would not return to Cambodia, the government’s arrests of CNRP supporters waned.

Internet users continued to face pretrial detention and convictions for other online activity, as well. 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 also posted the phone number of a taxi driver who could drive people to Phnom Penh to attend a ceremony commemorating Kem Ley’s death. Raiya, who was bailed in November 2019,^{[119](#)} was convicted in June 2020 and received a suspended two-year sentence.^{[120](#)} In October 2019, CNRP activist Mai Hongsreang was sentenced to 18 months’ imprisonment on charges of “incitement” after posting altered pictures of officials on Facebook.^{[121](#)} Also in October 2019, the Phnom Penh Municipal Court found former monk Voeun Kimlon guilty of incitement to commit a felony, sentencing him to 18 months’ imprisonment for uploading videos on YouTube containing purportedly false information about government officials including Hun Sen.^{[122](#)} In May 2019, Facebook user Kim Panha was arrested and placed in pretrial detention until that September, after he was accused of posting content that insulted the king and high-ranking government officials.^{[123](#)}

In early February 2020, as the COVID-19 pandemic took hold worldwide, the Ministry of Health declared that it would take legal action against “false” content on social media.^{[124](#)} 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” regarding the COVID-19 outbreak online.^{[125](#)} Human Rights Watch (HRW) reported that many were held in pretrial detention,^{[126](#)} while at least one case relied on a private phone call where the participants were discussing the novel coronavirus’s course in Cambodia (see C5). A man was arrested in February 2020 after he criticized Hun Sen’s response to COVID-19 on Facebook. He was detained for 48 hours and released after signing a document promising not to undertake such actions again.^{[127](#)} In another example, a 14-year-old girl was arrested and questioned after discussing her fears about possible COVID-19 cases in her area, and particularly in her school, on social media.

After Hun Sen criticized women who sell products online wearing “revealing” clothing in February 2020, a woman selling products online was taken to a police station and was forced to sign a document promising to immediately stop publishing such posts (see B2). Later that month, she was arrested and charged with “producing pornography” after she posted another video online.^{[128](#)} She was convicted in April 2020 and was handed a six-month suspended sentence, which was reduced to two-and-a-half months.^{[129](#)}

Throughout this reporting period, journalists across Cambodia continued to be arrested for their online reporting, and some outlets lost their licenses over their reporting (see B2 and B3). In April 2020, Sovann Rithy, founder and editor of online news outlet TVFB, was arrested for incitement to commit a felony for quoting Hun Sen from a speech regarding the economic situation of taxi drivers during the COVID-19 pandemic.^{[130](#)} In May 2020, Sok Udom, owner of the Rithysen radio station, was arrested and charged with incitement to commit a felony after reporting on a land dispute.^{[131](#)} Both men remain in pretrial detention as of July 2020.

In June 2020, after the coverage period, Ros Sokhet, publisher of the *Khmer Nation* newspaper, was arrested for Facebook posts in which he criticized Hun Sen for not effectively helping people struggling to pay debt and claimed that Hun Sen’s oldest son would be the next Cambodian leader.^{[132](#)} The Information Ministry also claimed to be considering the future of the outlet’s license (see B2).

In July 2019, Club of Independent Journalists president Hun Sokha and TN Online publisher Keo Ranta were arrested and later released on bail after reporting on and livestreaming a protest about a land dispute in Sihanouk Ville.^{[133](#)} Similarly, journalist Sat Chanbut was summoned to appear in court that December over charges of defamation and incitement to commit a felony, after he disseminated an interview with indigenous families locked in a land dispute online.^{[134](#)}

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 reinvestigation of pending espionage charges against them. The reporters attempted to appeal this reinvestigation, but this was subsequently rejected by an appeals court in January 2020.^{[135](#)}

Authorities continue to charge users under the lèse-majesté amendment of 2018 to Article 437 of the criminal code. Six charges and three convictions were subsequently made under the new amendment.^{[136](#)} 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 a RFA interview.^{[137](#)} 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, receiving a 3-year prison sentence and a 5 million riel (\$1,200) fine from a Phnom Penh court.^{[138](#)} 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,^{[139](#)} and another received a 3-year sentence for insulting the prime minister in a Facebook post.^{[140](#)}

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 initiated a crackdown on retailers who failed to register SIM card owners in 2017.^{[141](#)} The 2015 Regulation on Cell Phone Data threatens suspensions and fines for mobile service providers who do not register the identities of customers.^{[142](#)} The regulation obliges companies to supply police with identification details of SIM card holders on request.^{[143](#)} TRC spokesman Im Vutha said in 2016 that the government would monitor telecommunications operators’ databases to prevent unregistered SIM cards from being distributed.^{[144](#)} It appears that the new regulations have been implemented, as the number of mobile subscribers declined from 19.91 million in 2016 to 18.27 million by April 2018.^{[145](#)} According to the TRC, the drop in the number of mobile connections in 2017 was due to the saturation in the market and stricter implementation of the laws regarding SIM card registration.^{[146](#)} In December 2019, mobile phone subscriptions reached their highest point at 21.68 million.^{[147](#)}

Responding to heightened surveillance, Cambodians have increasingly turned to encrypted applications such as WhatsApp to communicate. Government officials are also increasingly using encrypted applications.^{[148](#)}

C5 0-6 pts

Does state surveillance of internet activities infringe on users’ right to privacy? 2 / 6

Government monitoring of residents’ publicly visible activity online, as well as extralegal surveillance of private communications, continued during the coverage period, 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 as such, appears to authorize undeclared monitoring of “any private speech via telecommunications,” according to an analysis by LICADHO.^{[149](#)}

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 were more often affected. For example, in October 2017, the progovernment online media outlet Fresh News published purported leaks of CNRP lawmakers’ private conversations; they were obtained from the Sei Ha Facebook page, an anonymous page often accused of being a vehicle for government propaganda.^{[150](#)}

There are also indications 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.^{[151](#)}

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.^{[152](#)} 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.^{[153](#)} In September 2019, two CNRP members, Sun Bunthou 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.^{[154](#)} The monitoring of CNRP members’ private communications continued during the COVID-19 pandemic, with one member being arrested after authorities accessed a private phone conversation in which he discussed the spread of the novel coronavirus (see C3).^{[155](#)}

In recent years, authorities have indicated on numerous occasions that they were monitoring online content.^{[156](#)} In 2017, the National Police announced that it was monitoring Facebook to detect and deter “rebel movements against the government.”^{[157](#)} The ruling party’s five-year strategic plan, adopted in January 2018, strongly emphasizes the need for increased surveillance.^{[158](#)} The interministerial Prakas on Website and Social Media Control gives extensive surveillance powers to the government. Notably, the Prakas 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 purportedly false news (see B3).¹⁵⁹ 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. The SOC will monitor all digital platforms, covering both mobile devices and personal computers.¹⁶⁰

In April 2018, Russian and Cambodian officials announced that the Russian government would train Cambodia’s National Police in combating terrorism and cybercrime.¹⁶¹ In May 2018, Cambodia’s interior minister and China’s minister of public security signed a memorandum of understanding to cooperate in combatting terrorism and fighting cybercrime. Both events raised concerns that China and Russia could assist Cambodia in strengthening its surveillance capabilities to consolidate its power.¹⁶²

C6 0-6 pts

Are service providers and other technology companies required to aid the government in monitoring 1 / the communications of their users? 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 Ministry of Post and Telecommunications the telecommunications information and communication technology service data.”¹⁶³ There is no requirement for a judicial warrant or other safeguards, and the law places no limits on how long data can be stored.¹⁶⁴

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.¹⁶⁵ 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.¹⁶⁶

In May 2018, the government ordered that all domestic and international network traffic in Cambodia be transmitted through a Data Management Center (DMC) to be established by the state-owned Telecom Cambodia,¹⁶⁷ raising further concerns about potential surveillance. The DMC was expected to be in place by September 2018, but there were no updates on its implementation as of May 2020.

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other 3 / actor in retribution for their online activities? 5

Individuals sometimes risk threats and violence for their online activities.

Journalists and activists face periodic 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.¹⁶⁸ 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.¹⁶⁹ In January 2019, a reporter for the Cambodia Media Association for Freedom was reportedly attacked while covering a story on illegal forest clearing in Siem Reap Province.¹⁷⁰

In June 2020, after the coverage period, Thai prodemocracy activist Wanchalearm Satsaksit was forcibly disappeared in Phnom Penh. After escaping Thailand during that 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 he was abducted by unidentified armed men. As of July, Cambodian authorities claim that they have no information regarding Wanchalearm’s abduction or his whereabouts.¹⁷¹

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 –LICADHO, Sahmakum Teang Thnaut, and Transparency International–to a meeting in September 2019, after their report exposed unethical lending of microfinance institutions. After the report was disseminated online, authorities requested that the organizations sign a document stating that the information was inaccurate.¹⁷² The organizations refused to do so. In January 2020, Prime Minister Hun Sen threatened LICADHO’s deputy director for expressing concern about the arrests of individuals sharing purportedly false COVID-19-related news on Facebook in a RFA interview.¹⁷³ Ahead of Rainsy’s planned return in November 2019, authorities summoned and interrogated members of his banned opposition party for their online content (see C3). Previously, in May 2019, a young Cambodian rapper removed a music video from his social media accounts after authorities visited his parents’ home (see B2).

In March 2020, the health ministry disclosed that members of Cambodia’s Muslim community contracted COVID-19 after traveling to Malaysia; the announcement was followed by hateful online comments directed at the community.¹⁷⁴

In the run up to the 2018 election, citizens reported several incidents of harassment and intimidation, especially in relation to the “clean finger campaign,” which called for a boycott of the election and was active on social media. Authorities threatened users with charges of inciting “to obstruct the election” if they shared such content online.¹⁷⁵

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to 1 / widespread hacking and other forms of cyberattack? 3

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.¹⁷⁶ In July 2018, the website of the Cambodian Human Rights and Development Association (ADHOC) was reportedly hacked by a group called TurkSiberKaragh.¹⁷⁷ 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.¹⁷⁸ Facebook pages of several media outlets, including the *Khmer Times*, Bayon Television, and BTV, have all been reportedly hacked in recent years.¹⁷⁹

There are also reports of hacking attempts by actors abroad. A July 2018 report by the US cybersecurity firm FireEye described apparent efforts by a China-based espionage group to compromise Cambodian online infrastructure related to election administration.¹⁸⁰ 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.¹⁸¹

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