



Internet Censorship: The Ongoing Crackdown on Freedom of Expression in Cambodia

Introduction

This briefing note provides an overview of the use of new media in the Kingdom of Cambodia (“Cambodia”), the recent trend towards Internet censorship, and the grave implications for freedom of expression in Cambodia. In response to the 11th Annual Joint Declaration on Freedom of Expression and the Internet issued on 1 June 2011 in Budapest by the four specialized mandates of the United Nations Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe, the Organization of American States, and the African Commission on Human and People’s Rights (the “Joint Declaration”), this briefing note concludes with specific recommendations, placing the principles of the Joint Declaration in a Cambodian context.

This briefing note is written by the Cambodian Center for Human Rights (“CCHR”), a non-aligned, independent, non-governmental organization (“NGO”) that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia.

The age of new media

In this age of connectivity, “new media” – defined as the digitalization of information – has proven to be an effective tool in disseminating information and organizing groups in their quest for the realization of human rights and the promotion of democracy. The Internet represents an essential medium through which citizens can share information and opinions on issues that directly affect them. One only has to consider recent developments around the world to see that the arrival of new media has fostered dynamic change and opened the doors to new channels of internal dialogue between the governed and their governments, as well as between individuals.

In closed societies like Cambodia, where freedom of expression and press is traditionally strictly controlled by the Royal Government of Cambodia (the “RGC”), both the growth of new media and increased access to online information are opening up new frontiers and providing fresh opportunities to individuals and organizations to promote and protect human rights and democracy. A number of websites and blogs have emerged which share news and information on important social issues and, through comments functions, provide an outlet for ordinary people to share their opinions on such issues. Increasing numbers of young people in Cambodia, both male and female, are embracing the Internet, and online activism is blossoming with a burgeoning number of “cloggers” (Cambodian bloggers) disseminating views on important social and political issues. Social media – particularly websites like Facebook and Twitter – are quickly becoming an integral communication tool not only for NGOs and activists to promote human rights and other ideas, but also for the Prime Minister and other government officials to communicate and share information with the Cambodian people.

These emerging trends – with individuals, organizations and government officials alike embracing and utilizing new media – represent positive developments in Cambodia: first, gender equality is promoted, as many female Internet users participate in online chats, social networks and blogs (the term “clogher” has been coined to refer specifically to female “cloggers”)¹; second, people can increase their knowledge of important issues through free access to news sources; and, third, people’s awareness of global developments is improved, better equipping them to accept or criticize the ways in which they are governed and to instigate change in their countries if they so desire.

Internet penetration

According to the World Bank,² Internet penetration in Cambodia was estimated to be around only 0.5% in 2010 – which might account for the historic lack of government interference with regard to Internet use – although this figure represents a ten-fold increase on the estimated 0.05% Internet penetration in 2000.³ Such a sharp increase – albeit from a very low starting point – has evidently given the RGC cause for concern. However, the vast majority of Cambodian citizens – who for the most part live in poor rural areas – still have no access to the Internet. The RGC should do its utmost to develop mechanisms to increase Internet penetration in Cambodia, since everyone should be able to access the Internet. While access to the Internet is not a human right as such, it is the medium through which many fundamental rights can be accessed and enjoyed, not least of which is the right to freedom of expression.

Freedom of expression in Cambodia

The right to freedom of expression is widely considered to be one of the cornerstones of a healthy liberal democracy, and is enshrined both in Article 19 of the Universal Declaration of Human Rights – incorporated into Cambodian law by virtue of Article 31 of the Constitution of the Kingdom of Cambodia – and Article 19 of the International Covenant on Civil and Political Rights (the “ICCPR”), ratified by Cambodia in 1992. The essence of the right to freedom of expression is that it applies to all types of opinion within broad, carefully defined, parameters: the only real restrictions are that no opinion may be expressed which is deemed to be war propaganda, or which advocates national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.⁴

However, Cambodia has a poor freedom of expression record. Press freedom in Cambodia has, according to Freedom House, declined from “partly free” in 2008 to “not free” in 2009 and 2010,⁵ while the most recent Press Freedom Index by Reporters Without Borders ranks Cambodia 128th out of 178 countries. Ruling politicians past and present have sought to intimidate and suppress critics rather than respond with reasoned arguments. Insofar as traditional forms of media – television, radio stations and printed publications – are concerned, Cambodia has adopted the semblance of pluralism; however, the RGC exercises tight control, with print media and the television airwaves largely in the hands of the RGC and its allies. It is assumed that such state

¹ Please see the website of “Clogher” and CCHR staff member Chak Sopheap at <http://sopheapfocus.com/index.php/special/>.

² World Bank, “Data Profile: Cambodia”, available at: http://ddp-ext.worldbank.org/ext/ddpreports/ViewSharedReport?CF=&REPORT_ID=9147&REQUEST_TYPE=VIEWADVANCED.

³ It is worth noting that the high Internet usage in urban centers such as Phnom Penh and Siem Reap – as a result of the widespread availability of free wifi – should not disguise the overall low Internet penetration within these urban centers and elsewhere around the country.

⁴ Article 20 of the ICCPR.

⁵ Freedom House, available at: <http://www.freedomhouse.org/template.cfm?page=533>.

interference stems primarily from a desire to ensure that the political opposition has limited opportunities to share its views with the populace.

The second strategy in the RGC's efforts to curtail freedom of expression has been to punish those who use traditional media to share views that run counter to those of the RGC. These punishments – generally handed down by the judiciary – operate as a disincentive to individuals and organizations who wish to express views, however constructive, which the RGC deems to be detrimental to its standing in the eyes of domestic and/or international audiences. Since the last general election in 2008, the RGC has embarked on a thinly disguised crusade to increase the legislative arsenal available to the judiciary in the pursuit of government critics.⁶ The 2009 Penal Code contains nine provisions criminalizing various forms of expression, while pending laws regulating (i) unions and (ii) NGOs and associations threaten to erode further the right to freedom of association.⁷ If the RGC continues to ignore the international covenants which it has ratified, freedom of expression in Cambodia will plummet to a new low, thereby undermining any social or political advancement that Cambodia claims to have made.

The success of the RGC's policy of controlling and punishing expression through traditional media had many people looking hopefully to the Internet for a medium through which criticisms and opinions could be shared. The absence of any restrictions of online expression was such that well-known "clogger" and CCHR Executive Assistant, Chak Sopheap, described the Internet in late 2009 as Cambodia's "new digital democracy".⁸ Indeed, despite its poor freedom of expression record, the RGC has not sought to censor online content and space to any degree commensurate to several of its neighbors in South East Asia – particularly Vietnam, Laos and, more recently, Thailand.⁹ There is currently no online regulatory regime in place in Cambodia and, in 2010, the RGC reportedly shelved plans to channel all traffic through a single state-owned Internet hub (please see the section titled "State-run Internet hub" below), thereby avoiding a potential censorship situation akin to the "Great Firewall of China".¹⁰

However, not content with current restrictions on newspapers, radio and television stations, the RGC has now turned its attention to the Internet as a new front in its war on freedom of expression in Cambodia. Over the last couple of years – and particularly since the end of 2010 – several instances of website blocking have been reported, which suggest that the tide may be turning insofar as freedom of the Internet in Cambodia is concerned.

Censorship of KI-Media, BlogSpot and other websites

This section outlines recent attempts by the RGC to employ its usual tactics of "control and punishment" but this time with the Internet in its sights.

⁶ For more on this legislative agenda to limit the freedoms of expression and association see CCHR and ARTICLE 19, "Cambodia: Freedom of Expression and the Point of No Return", 14 February 2011, available at:

http://www.cchrcambodia.org/index.php?url=media/media.php&p=press_detail.php&pid=146&id=5.

⁷ The draft Law on Trade Unions and the draft Law on Non-governmental Organizations and Associations.

⁸ Sopheap Chak, "Digital democracy emerging in Cambodia", published on *UPI Asia online*, 11 November 2009, available at:

<http://sopheapfocus.com/index.php/2009/11/digital-democracy-emerging-in-cambodia/>.

⁹ For information on some of the Internet censorship and regulatory regimes in countries in South East Asia, please see Ben Doherty,

"Silence of the dissenters: How South-East Asia keeps web users in line", *The Guardian*, 21 October 2010, available at

<http://www.guardian.co.uk/technology/2010/oct/21/internet-web-censorship-asia>.

¹⁰ Ellie Dyer, "Government axes Internet monopoly plan", *The Phnom Penh Post*, 13 April 2010.

Towards the end of January 2009 access to Khmer-American (“Khmerican”) artist Koke Lor’s website was blocked by the RGC.¹¹ His controversial artwork depicting semi-naked Apsaras¹² – female Khmer folk-tale figures – so angered the Ministry of Women’s Affairs that Cambodian access to his website was curtailed. He also received an inbox full of “hate mail” that included threats “to hunt him down”.¹³ Minister for the Ministry of Posts and Telecommunications (the “MOPT”) So Khun confirmed at the time that he had sent a letter to the relevant Internet service providers (“ISPs”), asking them to block access to the website, but claimed that he did not know whether his letter had been acted upon.¹⁴

Just over a week after Koke Lor’s website was blocked, on 8 February 2009, access to the website of the UK-based corruption watchdog Global Witness was also blocked for some local Internet users following the organization’s release of a scathing report – “*Country for Sale*” – on Cambodia’s nascent oil and mining industries.¹⁵ Representatives of the ISP, AngkorNet, confirmed that Global Witness’s website was barred to AngkorNet customers, but could not provide further details as to the reasons for the restricted access.¹⁶ Once again, officials denied any knowledge of the censorship.

On 3 February 2010 *The Phnom Penh Post* reported on plans by the RGC’s “Government Morality Committee” to begin holding bi-monthly meetings to review websites which feature racy images of Khmer women, and to consider blocking access to those deemed to be in conflict with national values.¹⁷ Ros Sorakha, an undersecretary of state at the MOPT, stated that the increased monitoring of online content was necessary in light of the rapid growth of information and communications technology nationwide.

On 16 December 2010 the Chairman of the Cambodia-Vietnam Joint Border Commission, Var Kim Hong, told Radio Free Asia that the RGC would shut down the online news blog KI-Media by 31 December 2010.¹⁸ This statement came days after the site published articles critical of him and other Cambodian leaders, which it regularly does. The suggestion that ISPs might be required to block certain popular anti-government websites confirmed that the absence of online restrictions thus far was not so much a sign of a newfound respect on the part of the RGC for the right to freedom of expression, but rather due to a lack of technical knowhow.

In addition, the recent arrest and conviction of Seng Kunnaka, an employee with the UN Food Program in Phnom Penh who had printed articles from KI-Media and shared them with a handful of colleagues, indicates that the RGC is ready to start punishing those who use the Internet to share views contrary to those of the RGC. As with its punishment of those who express opinions through traditional media, it is assumed that this conviction was intended much less as retribution than as a

¹¹ B Brady, “Government moves raise censorship concerns”, *The Phnom Penh Post*, 3 March 2009.

¹² It is understood that the Apsaras were modeled upon the Thai actress whose comment that Angkor Wat should be part of Thailand resulted in the burning down of the Thai Embassy in 2008.

¹³ B Brady, “Reahu breaks silence”, *The Phnom Penh Post*, 3 March 2009.

¹⁴ E Dyer, “Government axes Internet monopoly plan”, *The Phnom Penh Post*, 13 April 2010.

¹⁵ S Strangio and V Sokheng, “NGO site barred by local ISP”, *The Phnom Penh Post*, 10 February 2009.

¹⁶ *Ibid.*

¹⁷ S David and B Lewis, “Cambodian Government Panel to target racy images”, *The Phnom Penh Post*, 3 February 2010.

¹⁸ LICADHO *Condemns Censorship of Web Sites Critical of Government*, LICADHO Press Release, 16 February 2011, available at: <http://www.licadho-cambodia.org/press/files/238LICADHOPRInternetCensorship2011.pdf>.

deterrent – a message to all Cambodians as to the potential cost of using the Internet to express views that conflict with those of the RGC.¹⁹

Seng Kunnaka was arrested on 17 December 2010 by the Russei Keo district police and accused of sharing with his co-workers leaflets that he had printed from KI-Media. Barely two days later, on the morning of 19 December 2010, Seng Kunnaka was found guilty by the Phnom Penh Municipal Court of incitement to commit a felony under article 495 of the Penal Code, and was sentenced to six months' imprisonment and fined 1 million riel (approximately 188 Euros or 246 US dollars).²⁰

Since the conviction of Seng Kunnaka, there have been regular problems accessing KI-Media through certain Cambodian ISPs. While officials have denied blocking KI-Media, government spokespersons have gone on record saying that the website ought to be blocked, suggesting that censorship of the Internet will soon become a reality in Cambodia.

On 19 January 2011 BlogSpot sites in Cambodia were blocked following an order from the Ministry of Interior (the "MOI") to all Cambodian ISPs.²¹ For weeks, users of EZECOM, one of the growing number of ISPs, complained that they were unable to access a number of sites, including KI-Media. The day of the outage, customer service representatives at EZECOM told several clients that the sites had been blocked at the request of the MOI.²² EZECOM management later denied in writing that it had received a directive from the RGC. Minister of Information Khieu Kanharith also denied involvement. Over the following days, service was restored for all ISPs except Metfone.

On 20 January 2011 Prime Minister Hun Sen attacked unnamed foreign sources whom he accused of using the Internet to stir up unrest. In his address Hun Sen warned: *"There is a guy saying that Cambodia should foment a Tunisia style-revolt. I would like to send you a message that if you provoke or foment a Tunisia style-revolt, I will close the door to beat the dog this time,"* adding that he would *"beat on the head"* of anyone using the Internet to incite revolt.²³ Hun Sen was talking about Dr Lao Mong Hay, a well-known Cambodian intellectual, who issued anti-government pronouncements calling for Cambodians to follow the Tunisian example and oust the regime – even by unlawful means.²⁴ Until recently, Dr Lao lived in Hong Kong and held a position as a researcher with the Asian Human Rights Commission.

In February 2011 Cambodia suffered a new wave of outages, affecting KI-Media, Khmerization – a citizen-journalist blog often critical of the RGC – and the blog of Khmer political cartoonist Sacrava, as well as five others. The ISPs affected included Online, WiCam, Metfone and EZECOM. On 10 February 2011 So Khun, Minister for the MOPT, presided over a meeting during which he asked mobile phone operators to "co-operate" in blocking certain Internet sites *"that affect Khmer morality and tradition and the government"*.²⁵ The request was published in the official minutes of

¹⁹ Human Rights Watch, "Cambodia: New Penal Code Undercuts Free Speech", 23 December 2010, available at: <http://www.hrw.org/en/news/2010/12/22/cambodia-new-penal-code-undercuts-free-speech>.

²⁰ International Federation for Human Rights (FIDH), "Cambodia: Assault on Freedom of Expression continues with conviction of UN staff", 23 December 2010, available at: <http://www.fidh.org/Cambodia-Assault-on-freedom-of-expression>.

²¹ Global Voices, "Blogspot sites blocked in Cambodia", 20 January 2011, available at: <http://globalvoicesonline.org/2011/01/20/blogspot-sites-blocked-in-cambodia/>.

²² E Dyer, "Government axes Internet monopoly plan", *The Phnom Penh Post*, 13 April 2010.

²³ C Sokha, "Hun Sen sounds off", *The Phnom Penh Post*, 20 January 2011.

²⁴ Kje, "Tunisia in Cambodia", *Cambodia as it is*, 22 January 2011, available at: http://about-cambodia.blogspot.com/2011_01_01_archive.html.

²⁵ T Miller, "Ministry denies blocking website", *The Phnom Penh Post*, 15 February 2011.

the meeting. On 14 February 2011 *The Phnom Penh Post* reported that when WiCam customers attempted to access KI-Media they saw a message stating that the site had been “*blocked as ordered by the Ministry of Post and Telecommunications of Cambodia*”.²⁶ An unnamed WiCam employee told the newspaper that the ministry had ordered KI-Media be blocked because it “*impacts the government*”.²⁷

On 16 February 2011 *The Phnom Penh Post* revealed that an e-mail was leaked from a senior official at the MOPT congratulating ten ISPs, including EZECOM, for blocking access to a list of websites, including BlogSpot sites, KI-Media, Khmerization and Sacrava, all of them well-known for propagating information critical of the RGC.²⁸ However, the e-mail also included published extracts from leaked minutes of the meeting in which the Minister for the MOPT criticized certain ISPs for not having taken the step of blocking access to critical sites.²⁹ The e-mail, which was electronically signed by Sieng Sithy, Deputy Director of the MOPT’s policy regulation, addressed ISPs such as WiCam, Telesurf and Hello as follows: “*We found that you are not yet taken an action, so please kindly take immediate action [...] Here below [are the] websites [...] Again and again, in case of not well cooperation is your own responsibility.*”³⁰ The block was confirmed by ISPs such as Cellcard, Metfone and EZECOM, although KI-Media was up and running on WordPress within a matter of days.³¹ The crackdown was apparently a government reaction to the KI-Media post in December 2010, which described key RGC officials as “traitors”.

The move to block these websites is symptomatic of the inability of the RGC to accept any criticism, however constructive, and heralds the extension of government censorship to the Internet. These reported attempts at censorship confirm the RGC’s commitment to controlling new media just as it now controls traditional media.³² However, in attacking all BlogSpot websites, the RGC is harming its own interests: many pro-government websites, including the blog of Hun Sen himself, are hosted by BlogSpot.

State-run Internet hub

In October 2009 the MOPT issued a “prakas” (or edict) stipulating that “*inter-network connection between all telecommunication operators shall be through a central centre of Cambodian Telecommunication*”,³³ although the requirement was never enforced. It is believed that the RGC was looking to Telecom Cambodia (“TC”), a state-run company, as its “central centre”.³⁴

Again, at the start of 2010, the RGC initiated plans to control Cambodia’s Internet through the creation of a state-run centralized Internet hub. It was reported that the hub would consist of a domestic Internet exchange point (“DIX”) hosted by TC, through which all of Cambodia’s Internet traffic would be routed, with TC charging other operators a transmission fee. On 23 February 2010 a

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ T Miller, “Tangled Web Revealed”, *The Phnom Penh Post*, 16 February 2011.

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ *Ibid.*

³² CCHR, “CCHR condemns government attempt to thwart online activism”, 15 February 2011, available at: http://www.cchrcambodia.org/index.php?url=media/media.php&p=press_detail.php&pid=148&id=5.

³³ Brooke Lewis and Ith Sothoeuth, “State-run Web hub would filter sites”, 24 February 2010, available at: <http://rongkhmer.blogspot.com/2010/12/state-run-web-hub-would-filter-sites.html>.

³⁴ *Ibid.*

TC official indicated that the state-run company would seek to block access to websites that it deemed “inappropriate” should it be granted control over the country’s DIX. Chin Daro, deputy director of TC, remarked that *“if TC plays the role of the exchange point, it will benefit Cambodian society because the government has trust in us, and we can control Internet consumption.”*³⁵ However, officials from ISPs operating in Cambodia warned that it could give the RGC undue influence over online content. Some critics argued that TC could end up wielding a “very dangerous” level of power if given a monopoly over the DIX.³⁶

On 9 March 2010, at a “Government and Private Sector Forum” on laws, taxation and government, a request was made by Finance Minister Keat Chhon to the MOPT to resolve disagreements with the private sector over the proposed creation of a state-run centralized Internet hub before a meeting with Prime Minister Hun Sen the following month.³⁷ Representatives of Cambodia’s telecoms firms and ISPs used the session to raise concerns over the controversial proposal to create the DIX.³⁸ It was estimated at the time that around US\$500 million of investment in the information technology sector and related infrastructure could be at risk of destruction if the centralized hub were created.³⁹ It was clear to many that no one in the industry supported the idea. Finally, on 13 April 2010, *The Phnom Penh Post* reported that the RGC had shelved its plans to create the hub.⁴⁰ According to the MOPT, the proposal is no longer being considered, although it is reported that new licensing requirements might be developed in the future.⁴¹

Recent legislative developments

It is rumored that the RGC is considering new legislation to regulate the Internet, as currently it is the only form of media not regulated in any form. On 2 February 2011 the MOPT made available a draft prakas governing DIXs which would provide for their registration.⁴² DIXs play a vital role in enabling the flow of information on the Internet by routing traffic between separate ISPs. In effect, they allow users with one ISP to access content hosted by another. The draft, posted on the MOPT’s website, includes a number of other stipulations, including ensuring that licensed DIXs follow the rules and regulations of Cambodia. *“For instance, don’t let it include pornographic content or broadcast illegal gambling [...] as well as [breaking] other rules of Cambodia,”* it said. The MOPT is currently understood to be collecting feedback on the prakas.

New media celebrates online freedom in Cambodia

On 4 March 2011 an event entitled “White out the Independence Monument” was created on Facebook, asking people to dress in white and convene at Phnom Penh’s central Independence Monument at 4:00 pm on Friday 4 March 2011, in order to celebrate Cambodia’s relatively free access to the Internet. The event’s co-ordinator wrote in the event description box: *“Some countries have blocked access to this vital tool [the Internet]. As a genuine member of the 21st century global community, CAMBODIA IS NOT ONE OF THOSE COUNTRIES AND WE WANT TO CELEBRATE THAT*

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ E Dyer, “Hoping for Unity on the Web”, *The Phnom Penh Post*, 11 March 2010.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ E Dyer, “Government axes Internet monopoly plan”, *The Phnom Penh Post*, 13 April 2010.

⁴¹ *Ibid.*

⁴² J Mullins and BR Kongkea, “Internet hub prakas revealed”, *The Phnom Penh Post*, 3 February 2011.

FACT. This is what this event is all about."⁴³ The event's creator carefully avoided any reference to the Middle East, repeatedly emphasized that the event "*was not a protest or a demonstration*", and requested that people "*not hijack this event for political purposes.*"⁴⁴ As it turned out, the person who co-ordinated the event lives in the United States – which was not apparent from the original Facebook event invitation – as do most of those who confirmed on Facebook that they would "attend" the event.

Despite the low (physical as opposed to virtual) turn-out to this event – only a handful of people turned up – it is clear that Internet freedom and the right to freedom of expression via online media are vital to the social and political development of Cambodia and therefore valued by Cambodian people. The tentative steps by the RGC towards Internet control and censorship therefore represent a worrying trend for Cambodian people. It is hoped that there will be no centralized Internet hub, and that websites critical of the RGC will be allowed to continue to operate as before.

What next – new frontiers or old barriers?

The fate of new media in the coming years and the extent to which freedom of expression will be curtailed online – in much the same way as it is through traditional platforms – is thus far unknown. While, generally speaking, there has been relative freedom in engaging with new media, particularly in relation to online sources like Facebook and blogging – suggesting that the RGC may have struggled with the technology required to censor the Internet – the recent blocking of blogs has raised serious concerns that censorship of the Internet will soon become a reality in Cambodia. These concerns exist despite the RGC's supposed enthusiasm for these forms of new media – in fact, the blocking of all sites hosted by BlogSpot, which also hosts many of the RGC's own media sites, shows that the RGC's own embracing of new media comes a distant second to its concerns about the use to which others will put new media. As Ministry of Information Cabinet Chief Chhum Socheath said as recently as 30 May 2011, "*if people love technology, they should not use technology to affect someone, especially leaders*".⁴⁵

Recent events across the globe have shown that new media has proven to be a dynamic force for positive change – in many instances exhibiting remarkable resilience in the face of state censorship – and the RGC has no doubt taken note. As Cambodia stands at a crossroads in terms of how the RGC will respond to opinions exercised through new media, it is vital that the RGC recognizes that it is only by joining the online dialogue and by responding to criticisms with reasoned arguments that it can hope to address the criticisms that it seeks to suppress.⁴⁶

CCHR recommendations

CCHR makes the following recommendations to the RGC – reflecting the principles set out in the Joint Declaration – with a view to preserving online freedom of expression in Cambodia:

⁴³ Cambopedia "White-Out Day at Independence Monument" 21 February 2011, available at <http://cambopedia.com/2011/02/white-out-day-at-independence-monument.html>.

⁴⁴ *Ibid.*

⁴⁵ Sen David, "PM's daughter doesn't 'like' Facebook profile", *The Phnom Penh Post*, 30 May 2011.

⁴⁶ CCHR, "CCHR condemns government attempts to thwart online activism", 15 February 2011, available at: http://www.cchrcambodia.org/index.php?url=media/media.php&p=press_detail.php&prid=148&id=5.

- All restrictions on freedom of expression on the Internet imposed by the RGC should be (i) proportional, (ii) provided for by law, (iii) in compliance with international standards, and (iv) necessary to protect an interest which is recognized under international law;
- Laws developed by the RGC to regulate other forms of media and other means of communication should be specifically adapted for the Internet if they are to be used successfully to regulate Internet use for the benefit of Cambodian society;
- The RGC should develop alternative, tailored approaches – adapted to the unique characteristics of the Internet – for responding to illegal content, while recognizing that no special content restrictions should be established for material disseminated over the Internet;
- The RGC should recognize that self-regulation can be an effective tool in redressing harmful speech – and should therefore be promoted – without intimidating new media users into self-censorship by means of draconian defamation charges, as journalists have been in recent years in Cambodia;
- The RGC should make it a priority to raise awareness and launch educational efforts to promote the ability of everyone to engage in autonomous, self-driven and responsible use of the Internet – known as “Internet literacy”;
- The RGC should ensure that intermediaries who provide Internet services in Cambodia – such as ISPs – are not held liable for content generated by others and divulged using those services; furthermore, ISPs should not be required to monitor user-generated content, or be subject to extrajudicial content takedown rules which fail to provide sufficient protection for freedom of expression;
- The RGC should cease blocking entire websites and refrain from imposing content filtering systems – unless they are “end-user” controlled and accompanied by clear information as to their functionality and potential pitfalls in terms of over-inclusive filtering – as such measures do not represent justifiable restrictions on delivering positive freedom of expression outcomes;
- The RGC should ensure that standards of liability, including defenses in civil cases, should take into account the overall public interest in protecting both the expression and the forum in which it is made;
- The RGC should desist from discriminating in its treatment of Internet data and traffic, based on the device, content, author, origin and/or destination of the content, service or application, while Internet intermediaries should be required to be transparent about any traffic or information management practices which they employ, and relevant information on such practices should be made available in a form that is accessible to all parties;
- The RGC should promote universal access to the Internet – by adopting detailed multi-year action plans for increasing access to the Internet which include clear and specific targets, as well as standards of transparency, public reporting and monitoring systems; and

- The RGC should refrain from (i) cutting off access to the Internet, (ii) imposing “slow-downs”, (iii) imposing registration or other requirements on ISPs, and (iv) denying individuals the right to access the Internet as a punishment – such a sanction is an extreme measure, which can be justified only where less restrictive measures are not available and where ordered by a court, taking into account the impact of this measure on the enjoyment of human rights.

Conclusion

CCHR calls on the RGC to develop mechanisms to increase Internet penetration in Cambodia, to reject the Internet censorship policies which it currently appears to be adopting, and to promote online space for free expression by ensuring that old barriers are not applied to new frontiers. CCHR encourages Cambodia’s Internet users and new media innovators to continue to use and open up new areas of media to allow for debate and discussion, and hopes that the RGC will continue to embrace new media by joining the online dialogue.

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