

FREEDOM ON THE NET 2019

Cambodia

43
/100

PARTLY FREE

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

LAST YEAR'S SCORE & STATUS

45 /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

In a rigged election environment characterized by blocked websites and increased intimidation, internet freedom continued its downward trajectory in Cambodia. In the run-up to the 2018 elections, independent news sites were blocked, and online activists were subjected to harassment and intimidation. Internet users continued to face pressure to remove content and reports of self-censorship online remained prevalent.

Cambodia's political system has been dominated by Prime Minister Hun Sen and his 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. The government ramped up its efforts to silence the opposition party by barring them from the 2018 elections and intimidating and prosecuting leaders and supporters.

Key Developments, June 1, 2018 – May 31, 2019

- In the 48 hours before the July 2018 general elections, the government ordered the temporary blocking of 17 news websites including Radio Free Asia, Voice of America, Voice of Democracy, and the *Phnom Penh Post* (see B1).
- Citizens reported increased incidents of threats and intimidation for their online activities in the run-up to the elections. People who shared social media posts related to the “clean finger campaign,” which called for a boycott of the polls, were threatened with charges of inciting “to obstruct the election” (see C7).
- During the coverage period, two songs were removed from the internet as a result of government pressure; one song highlighted the poor working conditions for domestic workers in Cambodia, while the other criticized economic inequality, corruption, and policy brutality (see B2).

- Authorities continued to prosecute people for their online activities; during the reporting period, at least three individuals were convicted and sentenced to prison for violating the new lèse-majesté amendment to the Criminal Code (see C3).

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 connections?

3/6

Internet usage in Cambodia has soared in the past five years, and continued to improve during the reporting period. The Telecommunication Regulator of Cambodia (TRC) reported that 13.8 million people out of a population of 16 million had mobile or fixed internet subscriptions as of January 2019. **1**

Internet access, however, is constrained by poor infrastructure. Insufficient electricity, often resulting in nationwide blackouts, imposes additional constraints on computer and internet use. Despite recent improvements, connections can also be extremely slow, especially in remote areas.

The absence of an extensive landline network inhibits greater internet penetration, since the fixed landlines that broadband internet services depend on are often unavailable in rural areas. As a result, internet service providers (ISPs) are developing their own infrastructure. By 2016, three ISPs had announced plans to construct submarine fiber-optic internet cables to connect to high-speed international connections; one of the projects was commissioned by the government. **2** By April 2018, the TRC reported that two of these submarine fiber-optic networks were operational—the Malaysia-Cambodia-Thailand (MCT) cable and the Asia-Africa-

Europe 1 (AAE-1) cable—and that there were more than 23,000 miles of fiber cable.

3

Several mobile carriers planned to introduce 5G services in 2019, including Cellcard, Smart Axiata, and Metfone, 4 although industry experts have expressed concerns this timeline may be too optimistic. 5 In April 2019, the Cambodian government signed a memorandum of understanding with the Chinese firm Huawei to build a 5G network, which is expected to roll out in 2020. 6

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 2018, a typical 4 GB mobile data connection cost \$5 per month and fixed-line connections cost at least \$12 per month, 7 making access expensive for the average Cambodian earning \$300 per month. 8 Some data packages are heavily discounted, improving affordability. The government has also set up high-speed public Wi-Fi in several locations in the capital, Phnom Penh. 9

Those living in urban areas are considerably more likely to have internet access on their phone than those in rural areas. 10 According to 2016 data from the Open Institute, men were more likely to own a smartphone than women (54 percent of men compared to 41 percent of women). However, the report found evidence that this gap is narrowing. Devices capable of Khmer-language communication are making it easier for Cambodians to connect. The number of Cambodians who own phones that support Khmer script climbed to 76 percent in 2016, up from 63 percent in 2015.

11

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.

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. ¹² 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). ¹³

Three operators provide a backbone network: Telecom Cambodia, Viettel Cambodia, and Cambodia Fiber Optic Cable Network. ¹⁴ These operators interconnect with smaller networks, allowing exchanges of information through Wi-Fi, LAN lines, or other means. Telecom Cambodia operates under the Ministry of Posts and Telecommunications of Cambodia (MPTC) and the Ministry of Finance. ¹⁵

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. ¹⁶ In June 2019, the TRC reported that there were 37 ISPs and 7 mobile service providers operating in Cambodia. ¹⁷

By 2017, the rivalry between the six most prominent mobile operators—Smart, CamGSM, Viettel, Seatel, Xinwei, and Cadcomms—had 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 the carrier better known as Cellcard, promoted a discount to its customers offering \$100 worth of mobile services for \$1; in response, Smart launched a promotional package offering \$125 worth of mobile service for \$1, including data, calls, and messaging. ¹⁸ TRC spokesperson Im Vutha subsequently noted that while low costs appeal to consumers, it was important to balance profit and long-term sustainability. ¹⁹ 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. ²⁰ During the reporting period, mobile operators continued to offer low-cost data packages, driving the ongoing competition in the sector. ²¹

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. ²² 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. ²³ 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 websites in the run-up to the general election in July 2018 (see B1).

B. Limits on Content

This coverage period saw more websites blocked in the run-up to the general election, while authorities also reportedly pressured authors to remove their content

from online platforms. In May 2018, the government issued an interministerial “prakas” (proclamation) on website and social media control that lays the groundwork for future blocking and filtering of online content. Amid declining press freedom, social media is increasingly trusted as an alternative to state and state-affiliated news outlets. However, the growing number of criminal prosecutions for online activity and a general crackdown on civil society has led to increasing self-censorship.

B1 0-6 pts

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

3/6

News and other websites are periodically blocked in Cambodia, particularly those that disseminate information that could be perceived as a threat to the ruling CPP. 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 for the 48 hours before the general elections. ²⁴ Among the news sites blocked were Radio Free Asia (RFA), Voice of America (VOA), Voice of Democracy (VOD), and the *Phnom Penh Post*. ²⁵ The government explained the decision by calling the blocked outlets “provocative” and argued that their online content was “very political” and “restricting to the election.” ²⁶ 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. ²⁷ However, news outlets perceived as less critical of the government were not blocked.

In September 2017, the Ministry of Posts and Telecommunications, following a request by the General Department of Taxation, ordered ISPs to block access to the *Cambodia Daily* IP’s address, as well as its Facebook page and Twitter account. ²⁸ The *Cambodia Daily*, an award-winning, English-language newspaper renowned for having uncovered a number of corruption scandals and human rights abuses in Cambodia, shut down in September 2017 (see B6), ²⁹ though the outlet’s website remained active. The website of the *Cambodia Daily* was temporarily blocked in

Cambodia while being accessible in other countries. As of April 2019, *Cambodia Daily* was accessible again.

Websites hosting pornography or sexually explicit images are subject to blocking in Cambodia under the Law on Suppression of Human Trafficking and Sexual Exploitation (see B3). ³⁰

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?

2/4

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. During the coverage period, there were a number of instances of online content being removed following government pressure or user complaints.

In May 2019, a young Cambodian rapper, Chhun Dymey, reportedly removed his music video from his social media platforms after being pressured by local authorities. ³¹ The song touched on sensitive issues such as economic inequality, corruption, land disputes, and police brutality in Cambodia. While the spokesperson of the Ministry of Culture said that the ministry was reviewing the case, he also warned that those on social media “better not promote any pessimistic ideas about the government.” ³²

In September 2018, the Ministry of Labor requested that the Ministry of Information and Ministry of Culture ban a Khmer song that highlighted substandard working conditions for domestic workers. The Ministry of Information subsequently ordered all media, including online outlets and social media platforms, to stop playing the song, citing the need to prevent “negative effects on the feelings and dignity of domestic workers while the government has been focusing on them to give them full rights.” ³³

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 on request of other government departments. Implementation of censorship is nontransparent, apparently based on informal communications between government officials and service providers, which provide no avenue for appeal.

In May 2018, the government issued an interministerial "prakas" (proclamation) that established a working group to "manage" and "control" online content. ³⁴ The prakas orders the MPTC to "block or close" websites and social media pages containing content deemed discriminatory or threatening to national security or unity. ³⁵ While the prakas does not contain language that could allow the government to force other parties to delete and block content, it requires all ISPs to install software programs and surveillance tools to easily filter and block any social media accounts or pages that it deems illegal. ³⁶

Pornography or sexually explicit images are prohibited by Articles 38 and 39 of the Law on Suppression of Human Trafficking and Sexual Exploitation. ³⁷

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), and ordinary users has reportedly increased in recent years. The government's continued repression of dissenting voices, which intensified prior to the July 2018 elections, was accompanied by a drastic 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 2018 revealed that 15 percent of respondents said that during the previous year, they “always” felt “worried when expressing themselves publicly to the point that they did not say what they wanted to.” Another 33 percent stated they “regularly” felt that way, while 39 percent stated they “sometimes” did. ³⁸

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

Prime Minister Hun Sen, who has more than 10 million followers on Facebook, has been accused of manipulating his page on the platform to create an exaggerated perception of his popularity. ³⁹ 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. ⁴⁰ 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 Sen’s account, including the amount of state money spent on advertisements and the alleged purchase of likes on the click farms. ⁴¹ As of May 2019, the case remained under examination by a US judge. ⁴² Rainsy was previously found guilty of defamation in 2016 for claiming that the prime minister’s “likes” were not genuine.

The new owner who purchased the *Phnom Penh Post* in May 2018, a Malaysian businessman, has reportedly interfered with the paper’s editorial independence by demanding the removal of an article from the publication’s website detailing his links to the Cambodian government. The incident compelled 13 journalists and editors to resign, and led to the firing of the paper’s editor-in-chief. ⁴³

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. 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. ⁴⁴ 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. ⁴⁵ Shortly after the publication's closure, the *Cambodia Daily* resurfaced in late 2017 as an online news outlet.

B7 0-4 pts

Does the online information landscape lack diversity?

3/4

The internet has quickly 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. ⁴⁶ Many Cambodians now turn to Facebook and the online versions of VOD, RFA, and VOA as key news sources. VOD's news site has more than one million followers on Facebook ⁴⁷ and 20,000 daily visits to its website. RFA's Khmer-language Facebook page has over six million followers, ⁴⁸ and VOA's over seven million, ⁴⁹ making them among Cambodia's most visited Facebook pages. ⁵⁰ In contrast, Fresh News, a news site closely associated with the government, has just over three million followers.

However, authorities crack down on Cambodia's remaining independent media outlets has limited the diversity of content online, as has increasing self-censorship (see B1, B4, and B6). ⁵¹

B8 0-6 pts

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

4/6

Amidst 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 and prosecutions, and increased harassment around digital campaigns have undermined the use of the internet for mobilization (see C3 and C7).

During the coverage period, activists used mobilization tools to petition for the release of imprisoned land rights activists and reporters, for example. ⁵² In March 2019, after Prime Minister Hun Sen said he was considering reintroducing the death penalty for child rapists, he reversed his position following a public outcry on social media. ⁵³ Social media and online petitions have also been used to draw attention to gender issues. For instance, on International Women's Day in March 2019, NGOs drafted and disseminated an online petition calling on the government to better protect women's rights. ⁵⁴

C. Violations of User Rights

Three individuals have been convicted for their online speech under the recently adopted lèse majesté provision in the Criminal Code. Prosecutions for online speech continued, especially, as the government cracked down on dissenting voices in both the political opposition and the general public around the 2018 elections. The interministerial prakas on website and social media control issued in May 2018 grants extensive surveillance powers to the government, while the government has again announced that it is in the process of creating a draft cybercrime law.

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

1/6

internet, and are they enforced by a judiciary that 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. **55**

Amendments to the constitution and the Criminal Code **56** adopted in February 2018 were criticized by NGOs and the United Nations for restricting fundamental freedoms, including freedom of expression online. **57** In particular, observers have expressed concern about the 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.” **58** The broad, vague wording of the amendments leaves them open to abuse, as any legitimate online discourse could be deemed unconstitutional if determined to affect the national interest.

A draft Law on Access to Information, which was made public in January 2018, **59** contains protections for whistle-blowers and could positively impact free expression online if approved and enforced. Following requests from the public and civil society groups, the Minister of Information confirmed in February 2019 that the draft law was included in the government’s strategic plan. As of June 2019, the draft had not yet been submitted to the legislature for review. **60**

In May 2018, the National Election Committee (NEC) issued a code of conduct for the media ahead of the July elections, 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. **61** UN experts warned that the code of conduct uses “broad and imprecise terminology that could lead to sweeping restrictions on the media.” **62**

Despite protections for free expression embedded within the constitution, provisions of Cambodian law, notably parts of the Criminal Code of the Kingdom of Cambodia threaten this right. ⁶³ 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. ⁶⁴ Articles 305 and 307 of the Criminal Code, ⁶⁵ 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. ⁶⁶ Those convicted under Articles 305 and 307 can be fined up to \$2,500. ⁶⁷ 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. ⁶⁸

People can face prison time in connection with online expression under a variety of charges including forgery, which carries penalties up to 10 years in prison, 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 with between one and five years in prison, and a fine of \$500 to \$2,500. The minister of justice reportedly told the *Phnom Penh Post* that the *lèse-majesté* law would also apply to media outlets carrying purportedly insulting content, although it remains unclear whether it will only apply to outlets that insult the king themselves, or extend to individuals quoted insulting the king. ⁶⁹ In May 2018, the Ministry of Information warned media outlets of the law, saying that distributing or reposting material that insults the king in print, online, or otherwise constitutes a *lèse-majesté* offense. ⁷⁰

The 2015 Law on Telecommunications further increased government control over the 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.

The government has signaled its intent to legislate around “fake news.” **71** Most recently in March 2019, the Prime Minister called on relevant ministries to consider drafting an anti-fake news law, which carries the risk to further curtail press freedom and online expression. **72**

In July 2019, after the coverage period, the government announced that relevant ministries were reviewing a draft anti-cybercrime law. **73** Such a law has been proposed a number of times since 2012, **74** and leaked drafts have been published in the meantime, including a 2014 version that drew sharp criticism over a number of restrictive provisions. **75**

C3 0-6 pts

Are individuals penalized for online activities?

1/6

Prosecutions for online speech continued during the reporting period, as the government cracked down on dissenting voices in both the political opposition and the general public, especially during the run-up to the 2018 elections.

During the coverage period, charges of defamation, incitement to commit a felony or disturb social society, incitement to discriminate, insult of a public official, and lèse-majesté were brought in relation to content posted online, principally on Facebook, and often for posts dating back several years. ⁷⁶

During the reporting period, at least three individuals were convicted and sentenced to prison for violating the new lèse-majesté amendment to the Criminal Code in relation to social media posts. The most prominent individual convicted under the law was Sam Rainsy, who in May 2019 was sentenced in absentia to four years in prison for “insulting the king” in social media posts. ⁷⁷ He also received a four-year sentence for incitement against the military and demoralizing the army on social media.

In October 2018, Ban Samphy, a 70-year-old barber and former CNRP director for Siem Reap Province, was sentenced to one year in prison, of which he served seven months. ⁷⁸ He was arrested in May 2018 for allegedly sharing a Facebook post deemed insulting to the King, ⁷⁹ are reportedly released in March. ⁸⁰ Similarly, in January 2019, Ieng Cholsa was convicted to three years in prison for posting Facebook messages and images allegedly criticizing the King. ⁸¹

Several opposition politicians were arrested or charged based on Facebook posts or other online content. ⁸² Notably, following the general elections of July 2018, the NEC fined three former Cambodia National Rescue Party (CNRP) members for posting pictures on social media related to the “clean finger campaign,” which called for a boycott of the polls (see C7). ⁸³ Five former members were originally charged. In another example from April 2019, former CNRP member Su Yean was arrested and charged with incitement to commit a felony for a Facebook post critical of Prime Minister Hun Sen. ⁸⁴ He remained in custody awaiting trial at the end of the reporting period.

A number of journalists were arrested and charged during the coverage period as well. In September 2018, TNM TV online journalists Min Phon and Sarak Dara were arrested for “incitement and broadcasting disinformation.” The arrest stems from a complaint by tycoon Try Pheap about an article that described Pheap’s company,

MDS, excavating 30 meters of a rice field. While the journalists were released a few days later, it was unclear whether charges against them remained at the end of the coverage period. ⁸⁵ Two former RFA journalists Uon Chhin and Yeang Sothearin are also awaiting trial as of June 2019. ⁸⁶ They were originally arrested in November 2018 under Article 445 of the Criminal Code, alleged to have provided a foreign government with information damaging Cambodia's defense. Both journalist face a prison term of between 7 and 15 years.

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?

3/4

There are some limits on anonymous communication. The authorities initiated a crackdown on retailers who failed to register SIM card owners in 2017. ⁸⁷ The 2015 Regulation on Cell Phone Data threatens suspensions and fines for mobile operators who do not register the identities of consumers. ⁸⁸ The regulation obliges companies to supply police with identification details of SIM card-holders on request. ⁸⁹ TRC spokesman Im Vutha said in 2016 that the government would monitor telecommunications operators' databases to prevent unregistered SIM cards from being distributed. ⁹⁰ 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. ⁹¹ 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. ⁹²

Responding to heightened surveillance, Cambodians have increasingly turned to encrypted applications such as WhatsApp to communicate. Government officials are also increasingly using encrypted applications. ⁹³

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.

In recent years, authorities have indicated on numerous occasions that they were monitoring online content. ⁹⁴ For example, in 2017, the National Police announced that it was monitoring Facebook to detect and deter “rebel movements against the government.” ⁹⁵ The ruling party's five-year strategic plan, adopted in January 2018, strongly emphasizes the need for increased surveillance. ⁹⁶ The arrests of individuals for online activities further reflect close monitoring of social media by authorities. A survey of NGOs and trade union leaders revealed that 39 percent of civil society leaders surveyed in 2018 felt that their communications were being monitored by the authorities. ⁹⁷

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 fake news. ⁹⁸

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 the Cambodian League for the Promotion and Defense of Human Rights (LICADHO). ⁹⁹

Recent years have seen a number of leaks in which private digital communications were published online in order to discredit public figures. While some members of the ruling party have been targeted, the CNRP has been most affected. For example, in October 2017, the progovernment online media outlet Fresh News published leaks obtained from the Seiha Facebook page, an anonymous page often accused of being a vehicle for government propaganda. ¹⁰⁰

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. ¹⁰¹

In April 2018, Russian and Cambodian officials announced that the Russian government would train Cambodia's National Police in combating terrorism and cybercrime. ¹⁰² 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. ¹⁰³

C6 0-6 pts

Are service providers and other technology companies required to aid the government in monitoring the communications of their users?

1/6

Service providers are required to provide communication information to the government, and the 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.” ¹⁰⁴ There is no requirement for a judicial warrant or other safeguards, and the law places no limits on how long data can be stored. ¹⁰⁵

The interministerial prakas on website and social media control also obliges all ISPs to “install software programs and equip internet surveillance tools to easily filter and block any social media accounts or pages” deemed illegal. ¹⁰⁶ 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. ¹⁰⁷

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, ¹⁰⁸ 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 2019.

C7 0-5 pts

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

3/5

Individuals sometimes risk threats and violence for their online activities. During the coverage period, there was an increase in such intimidation, particularly surrounding the July 2018 elections.

In the run-up to the 2018 elections, citizens reported several incidents of harassment and intimidation, especially in relation to the clean finger campaign, which was active on social media. Authorities threatened users with charges of inciting “to obstruct the election” if they shared such content online (see C3). ¹⁰⁹

Following the elections, Ly Meng Yieng, a supporter of CNRP, was reportedly questioned by the police for more than four hours after posting a Facebook video supporting the dissolved party and its acting president Sam Rainsy. Ly Meng Yieng claimed he was forced to sign a letter promising to no longer post videos supporting CNRP or he would “face the law.” ¹¹⁰

Journalists and activists face periodic violence and threats in Cambodia. A report from the Cambodian Center for Independent Media (CCIM) assessing threats in 2017 found that 38 percent of journalists surveyed reported being verbally attacked or physically assaulted carrying out their duties, while 47 percent said they had been threatened in the past. ¹¹¹ Since 1994, at least 13 journalists have been killed as a result of their work in Cambodia. ¹¹² 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. ¹¹³

In May 2019, a young Cambodian Rapper removed a music video from his social media accounts after authorities pressured him and his family, and visited his place of employment (see B2).

C8 0-3 pts

During the coverage period, there were a number of reports of Facebook pages and websites being hacked. Targets included government officials, civil society leaders, and media outlets.

In July 2018, the website of the Cambodian Human Rights and Development Association (ADHOC) was reportedly hacked by a group called TurkSiberKarargh.¹¹⁴ In February 2019, the official Facebook page for Prime Minister Hun Sen was reportedly hacked. Hackers posted a message from the account threatening to block Facebook and also deleted some of the page's posts.¹¹⁵ Facebook pages of several media outlets, including the *Khmer Times*, Bayon Television, and BTV were reportedly hacked during the previous reporting period.¹¹⁶

There were also reports of hacking attempts by actors abroad during the reporting period. 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.¹¹⁷

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Footnotes

- ¹ 'Internet Subscribers', Telecommunication Regulator of Cambodia, accessed January 21, 2020, <https://www.trc.gov.kh/internet-subscribers/>.
- ² Simon Henderson, 'Internet Firm Inks Fiber Optic Deal', The Cambodia Daily, June 13, 2014, <https://english.cambodiadaily.com/news/internet-firm-inks-fiber-optic-d...>
- ³ Sok Chan, 'Number of internet users up this year', Khmer Times, December 7, 2018, <https://www.khmertimeskh.com/557066/number-of-internet-users-up-this-ye...>
- ⁴ Shaun Turton, 'Cambodia joins the 5G race despite concerns over cost and viability', May 20, 2019, Nikkei Asian Review, <https://s.nikkei.com/2ElcoqT>; Sok Chan, 'Cellcard ready to upgrade infrastructure to 5G', Khmer Times, October 4, 2018, <https://www.khmertimeskh.com/539136/cellcard-ready-to-upgrade-infrastru...>

- 5 Shaun Turton, 'Cambodia joins the 5G race despite concerns over cost and viability', May 20, 2019, Nikkei Asian Review, <https://s.nikkei.com/2ElcoqT>.

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

No

Users Arrested

Yes

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