



**SUBMISSION TO THE  
UNIVERSAL PERIODIC REVIEW OF CAMBODIA  
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**I. Introduction**

1. This submission addresses the situation of internet freedoms since the last UPR in January 2019. It discusses relevant laws and regulations affecting internet freedoms as well as various means by which the freedoms of journalists and activists in the country are affected. Lastly, it provides recommendations for the Cambodian government.
2. This joint submission has been prepared by the **Cambodian Digital Rights Working Group (DRWG)** and **Asia Centre**.
3. The **DRWG** promotes digital rights, internet freedom and freedom of expression in Cambodia, with the support of NGOs, international organisations, and funding agencies working to promote digital rights, freedom of expression, press freedom, and internet freedom in Cambodia.
4. **Asia Centre** is a civil society research institute with ECOSOC Special Consultative Status based in Bangkok that advocates on issues related to democracy and human rights. The Centre undertakes evidence-based research for its partners to publish baseline studies and policy toolkits, provides capacity-building programmes for stakeholders, and creates digital content to disseminate research outputs.
5. The submission also draws input from Asia Centre's report co-published with the [International Center for Not-for-Profit Law](#) (ICNL) titled *Internet Freedoms in Cambodia: A Gateway to Control* ([2021](#)) (annexed).

## II. Internet Freedom Issues

6. This section outlines the situation of internet freedoms in the country. It first discusses the Cambodian government's international obligations. It then gives an overview of relevant laws and regulations in the Kingdom. Thereafter, it provides an assessment of the internet freedom situation since the last UPR.

### A. International Obligations

7. Cambodia is a party to the International Covenant on Civil and Political Rights (ICCPR) and has signed the first Optional Protocol on an individual complaint mechanism. The government has not extended a standing invitation to the Office of the United Nations High Commissioner for Human Rights (OHCHR) thematic special procedure mandate holders.<sup>1</sup> While it regularly accepts visit requests by the Special Rapporteur (SR) on Cambodia, it has never accepted visit requests by the SR on Freedom of Assembly nor the SR on Human Rights Defenders (HRDs) to the country.<sup>2</sup>
8. Cambodia received 12 recommendations regarding digital rights during the 3rd UPR cycle. Of those recommendations, ten were accepted by the government while two were noted. Accepted recommendations include calls to reform the Law on Telecommunications and repeal the Inter-ministerial Prakas No. 170, calls to protect freedom of expression online and guarantee freedom of expression on the internet, and recommendations to refrain from prosecuting people for exercising their freedoms online. Key recommendations include the following:
  - Protect and/or guarantee freedom of expression (110.83; 110.101; 110.106; 110.110) for all citizens and journalists, including on the Internet (110.81; 110.83; 110.101; 110.106; 110.110); ensure civic space and remove restrictions on civil society (110.98; 110.103; 110.110) and other relevant actors (110.103).
  - Revise, in general, legislation that violates freedom of expression (110.94):
    - Penal Code (110.29; 110.110).
    - Law on Telecommunications (110.29; 110.79; 110.96; 110.110).
    - Inter-ministerial Prakas No. 170 (110.31; 110.79; 110.81; 110.83; 110.94; 110.98).
  - Adopt a law on the access to information (110.96).
  - End interference and surveillance of media channels and online speech (110.79).

From information gathered by the DRWG as well as Asia Centre's research – compiled in the following two subsections – the Cambodian government has not addressed concerns raised by

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<sup>1</sup> OHCHR (nd.) 'Standing Invitations', OHCHR, at: <https://spinternet.ohchr.org/StandingInvitations.aspx?lang=en>.

<sup>2</sup> Ibid.

member states during the 3rd Round of UPR which it noted supporting. Overall, the situation of internet freedoms in the country has declined.

## B. Key Laws and Regulations

9. While guarantees of fundamental freedoms, particularly freedom of expression, are provided for under the Constitution, various regulations are implemented to control the internet and content online. The laws mentioned below criminalise journalists, activists and netizens as well as narrow down their right to privacy online.
10. **Criminal Code (2009)**: Relevant provisions affecting freedom of expression online include defamation (Art. 305); spreading disinformation (Art. 425) and conspiracy (Art. 453); incitement to commit a felony (Art. 494 and 495); and Lèse-majesté (Art. 437-bis).
11. **Law on Telecommunication (2015)**: The law positions the Ministry of Posts and Telecommunications (MPTC) to have control over “telecommunications, information and communication technology service data” and provides the Ministry with the power to request such data from all telecommunications operators. It also established the Telecommunication Regulator of Cambodia (TRC). By law, the TRC is placed under the authority of the MPTC and therefore it is not independent. The TRC oversees telecommunications infrastructure and services in the country, including granting and suspending licences. The law also establishes telecommunication inspection officials who monitor online offences and penalise online content. All in all, the Law on Telecommunication increases the power of the Cambodian government to control online media as well as surveil its citizens.
12. **Inter-Ministerial Prakas (Proclamation) No. 170 (2018)**: The Prakas is intended to delineate the joint partnership among the Ministry of Information (MoI), Ministry of Interior and MPTC to “manage the publication of all news contents or written messages, audio, photos, videos, and/or other means on the website and social media”. The Prakas targets website publications and social media networks within the Cambodian internet space. Under Clause 6, the Ministry of Information is authorised to manage published online information through electronic systems and “take action” against illegal publications. Among others, such publications include the publication of information that “create turmoil in the society leading to undermine national defence, national security”.
13. Furthermore, Clause 7 requires Internet Service Providers (ISPs) to “install software programs and equip internet surveillance tools to easily filter and block any social media accounts or pages that run their business activities and/or publicize illegally”. This ministry is also able to work with others to “block or close the websites and/or social media pages who ... publicise illegally which is considered as incitement, breaking solidarity, discrimination, create turmoil by will, leading to undermining national security, and public interests and social order”.
14. **Sub-decree No. 23 on the Establishment of National Internet Gateway (NIG) (2021)**: The Sub-decree was signed into law on 16 February 2021. Should it take effect, a centralised internet gateway will be in operation under the government to manage all information in and out of the country. The management of information and

data in the country will be handled under the objective of strengthening the “effectiveness and efficiency of the national revenue collection, protection of national security and preservation of social order, culture, and national tradition”. Such vague objectives leave room for the government to control the online information sphere.

15. Further, the NIG could potentially serve as a legal toolkit for surveillance, as under Art. 12, online service providers must urge their customers to verify their identities; while under Art. 14, gateway operators are required to store data and provide routine status reports to authorities. The style and implementation of the NIG in Cambodia are similar to other countries’ great firewalls, which strictly control their internet traffic, implement filters and effectuate strict censorship<sup>3</sup>. The Gateway was first expected to take effect on 15 February 2022. However, it is – of the time of writing (September 2023) – delayed.<sup>4</sup> While the delay showed signs of the Cambodian government not fully willing to impose the Gateway, the law could – at any time – be implemented.
16. **Sub-decree on a National Domain Name (.kh) (2021)**<sup>5</sup>: The Sub-decree regulates the use of domain names with the suffix “.kh” for websites owned or operated in the name of organisations (governmental, non-governmental and private) in Cambodia. It restricts such websites to “promote activities or trades or other information, and communicate on the internet that affects culture, morality, traditions, customs, individual rights, consumer rights, public legal interests, national security, or social order”. Such overbroad restrictions raise concerns as, by Notification No. 0837 (2022), all companies registered in the country must use the domain name “.com.kh”. Furthermore, information about the process and criteria for registering remains unclear. It should also be noted that linking an identity to all domains (including civil society organizations, NGOs, commercial institutions, etc.) can also pose restrictions to the safety of civil society actors as this allows the government to keep a record of their public channels and activities. The sub-decree specifies that non-compliance with the regulations could result in suspension or removal of the domain.
17. **(draft) Cyber-related laws**<sup>6</sup>: Two cyber-related laws (Cybercrime and Cybersecurity) are reportedly being drafted by the Cambodian government. Reporters and members of civil society organisations in the country have received a copy of the draft cybersecurity law only for input while the Ministry of Interior has not yet formally disclosed the draft cybercrime law. The draft cybercrime law (nd.) focuses on the restrictions concerning false information. It also states that service providers must “preserve traffic data for at least 180 days”, to be shared with “competent authorities” upon their request. The law also criminalises the use of computers to abuse or threaten other individuals and the sharing of false or misleading statements. The draft Cybersecurity Law purports to provide the government with the power to seize

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<sup>3</sup> Parameswaran, Prashanth (2021) ‘What’s in Cambodia’s New Internet Gateway Decree?’, The Diplomat, at: <https://thediplomat.com/2021/02/whats-in-cambodias-new-internet-gateway-decree>.

<sup>4</sup> Turton, Shaun (2022) ‘Cambodia postpones “national internet gateway” plan due to COVID’, Nikkei Asia, at: <https://asia.nikkei.com/Spotlight/Society/Cambodia-postpones-national-internet-gateway-plan-due-to-COVID>.

<sup>5</sup> “Sub-decree On The Management and Use of National Domain Names on the Internet” (2021).

<sup>6</sup> For more information regarding the drafting process of the law, see: CamboJA (2022) ‘Cambodian Journalism Situation Report 2022’, CamboJA, at: <https://www.camboja.net/wp-content/uploads/2023/04/2022-Cambodian-Journalism-Situation-Report-EN.pdf>.

operating systems and copy and filter data to the effect of preventing cybersecurity threats and retain data for 180 days.<sup>7</sup>

### C. Internet Freedoms in Cambodia Since 2019

18. Since Cambodia's 3rd round of UPR in January 2019, the Cambodian government has taken successive steps to curtail internet freedoms. These measures heightened during periods of political importance, such as the COVID-19 crisis and the 2022-2023 elections.

#### *19. Prosecution of Journalists and Activists*

20. Authorities charged a Cambodia rapper in January 2020 with incitement after the individual posted two songs that went viral.<sup>8</sup> One song was critical of lengthy sentence terms in Cambodia,<sup>9</sup> while the other was about a territorial dispute with Vietnam and the economic situation of the country.<sup>10</sup> In January 2023, after the individual was released from bail and immediately following a new music release on YouTube, authorities summoned various NGO representatives to question their involvement in the releasing of the track which was deemed potentially inciting.<sup>11</sup>

21. In June 2021, three journalists were charged for insulting the king by taking and releasing a picture which showed the discharge of raw sewage to the Tonle Sap.<sup>12</sup> When questioned by reporters, the prosecution declined to answer why and how the crime amounted to insulting the king.<sup>13</sup>

22. In February 2022, an environmental activist was extradited from Thailand for a trial over a post on Facebook that incited criticism towards the government over their management of land rights and deforestation. The individual was sentenced to two years in prison.<sup>14</sup>

23. Throughout 2022, a monitoring effort<sup>15</sup> found that 45% of incidents of restrictions on freedom of expression were related to freedom of expression online.

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<sup>7</sup> Kelliher, Fiona (2023) 'Leaked law proposal would give Cambodia expanded powers to censor critics', Rest of World, at: <https://restofworld.org/2023/cybersecurity-law-draft-cambodia-elections>.

<sup>8</sup> Aurelius, Marcus (2023) 'Cambodian rapper Kea Sokun in hot water again', LiftED, at: <https://liftedasia.com/article/kea-sokun>; Brook, Jack and Phin Rathana (2023) 'Video goes viral after Cambodia tries to silence popular rapper', Aljazeera, at:

<https://www.aljazeera.com/news/2023/1/23/video-goes-viral-after-cambodia-tries-to-silence-popular-rapper>.

<sup>9</sup> RFA (2022) 'Cambodian rappers handed lengthy jail terms for dissing government', RFA, at: <https://www.rfa.org/english/news/cambodia/rappers-12222020160950.html>.

<sup>10</sup> RFA (2022) 'Cambodian court upholds 18-month sentence for rapper who dissed government', RFA, at: <https://www.rfa.org/english/news/cambodia/rappers-12222020160950.html>.

<sup>11</sup> CIVICUS (2023) 'Cambodian authorities detain union leader, criminalise and threaten the opposition and block protest video', CIVICUS, at:

<https://monitor.civicus.org/explore/cambodian-authorities-detain-union-leader-criminalise-and-threaten-oppositon-and-block-protest-video>.

<sup>12</sup> Khy Sovuthy (2021) 'Environmental activists charged with plotting and insulting the king', CamboJA News, at: <https://cambojanews.com/environmental-activists-charged-with-plotting-and-insulting-the-king>.

<sup>13</sup> BBC (2021) 'Cambodia charges environment activists with insulting the king', BBC News, at: <https://www.bbc.com/news/world-asia-57563233>.

<sup>14</sup> Khan Leakhena (2022) 'Government critic sentenced to two years in prison', VOD, at: <https://vodenglish.news/government-critic-sentenced-to-two-years-in-prison>.

<sup>15</sup> (FFMP, 2022)

24. In March 2023, two online activists were charged under the Lèse-majesté law for insulting King. The comments in question were Facebook posts by the two individuals alleging disrespect on the part of former Prime Minister Hun Sen towards the King and the former's ambition of usurping the latter.<sup>16</sup>
25. *Blocking of Online Outlets*
26. Websites and social media accounts of online media outlets are periodically blocked due to various justifications. This results in a restrictive space for political and social discussion.
27. Actions are regularly taken against reporters and outlets that report corruption and other illegal business operations. In March 2022, MoI revoked the licence of *Bayong Times*, *KCTV* and *Cambodia Today* as a reaction to these outlet's reporting of corruption and fraud within the government.<sup>17</sup> One of the outlets, *KCTV*, again had its licence suspended (Jan. 2023) after it had refused to remove a video clip on Facebook taken by its reporters showing illegal business operations in Kandal province. The reason cited by the MoI is that *KCTV* has committed "serious ethical violations".<sup>18</sup>
28. A range of blocking orders were imposed throughout the COVID-19 pandemic as the government shunned news reports that called out policy mismanagement. In March 2020, the online website Monoroom was blocked after it published articles displaying the impact of the COVID-19 pandemic in Cambodia (Mathur-Ashton, 2020).<sup>19</sup> A month later, the licence for *TVFB* was revoked after its owner quoted former PM Hun Sen saying the government could not provide support to all those who went bankrupt due to the pandemic.<sup>20</sup> The MoI, in May 2021, issued a statement warning legal actions against journalists for capturing the situation in COVID-19 treatment sites.<sup>21</sup>
29. Ahead of the 2023 election, the TRC issued orders to block the websites and social media accounts of 3 independent online media outlets.<sup>22</sup> The blocked outlets include *The Cambodia Daily*, *Kamnotra*, and *Radio Free Asia (RFA)*. The reason given was that the reporting activities of these outlets "affect the government's honour and prestige".<sup>23</sup>

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<sup>16</sup> AP (2023) 'Cambodian court charges activists with insulting king online', AP News, at:

<https://apnews.com/article/cambodia-hun-sen-opposition-activists-c634f5fa2ba6dcb2596169ff5af8c685>.

<sup>17</sup> The decision was revised in July 2022 and the three outlets were allowed to resume operation. See: CamboJA (2022) 'Journalism Situation in Cambodia: Quarterly Monitoring Report (January-March 2023)', CamboJA, at: <https://www.camboja.net/wp-content/uploads/2023/05/Quarterly-Report-Jan-Mar-2023-EN.pdf>.

<sup>18</sup> Ibid.

<sup>19</sup> Mathur-Ashton, Aneeta (2020) 'Amid COVID Censorship, News Websites Find Ways to Stay Online', VOA, at: <https://www.voanews.com/press-freedom/amid-covid-censorship-news-websites-find-ways-stay-online>.

<sup>20</sup> Phoung Vantha (2020) 'TVFB owner Sovann Rithy arrested over Facebook post', Cambodianess, at: <https://cambodianess.com/article/tvfb-owner-sovann-rithy-arrested-over-facebook-post>.

<sup>21</sup> CamboJA (2021) 'Information Ministry warns journalists against 'ambulance chasing' after video of long waits for COVID-19 patients goes viral', CamboJA News, at: <https://cambojanews.com/information-ministry-warns-journalists-against-ambulance-chasing-after-video-of-long-waits-for-covid-19-patients-goes-viral>.

<sup>22</sup> Califf, Andrew (2023) 'Government orders Internet Providers to block media outlets, Kamnotra database', CamboJA News, at:

<https://cambojanews.com/government-orders-internet-providers-to-block-media-outlets-kamnotra-database>.

<sup>23</sup> Ibid.

30. In Asia Centre’s consultation with partners in the country, comments were also made that ISPs in the country regularly take extralegal actions, upon the request of government officials. This is aimed at controlling internet access to specific groups, such as activists, HRDs, and civil society groups. Consultations point to the fact that these actors experienced targeted internet and electricity cut-offs. ISPs have also been known to slow down the speed of the internet to disrupt their activities.
31. All of the published content that led to the licences of these media outlets being revoked was criticism towards the government's failure in managing the COVID-19 public health crisis or other sensitive issues such as ongoing land disputes, corruption, or political succession. However, the government maintained that the concerned media outlets spread fake news that provoked violence, incited people to protest, and generated an adverse effect on the security, public order and safety of society.
32. *Online Public Rebuke towards “Political Opponents”*
33. Cambodia – a country of around 17 million people – has around 11 million internet users. Among them are 10.5 million Facebook users,<sup>24</sup> who use the platform as a prominent means of communication and source of information.<sup>25</sup> It is therefore concerning that the ex-Prime Minister Hun Sen regularly uses the social platform to harass and threaten those whom he perceives to be his political enemies.
34. With nearly 14 million followers as of September 2023,<sup>26</sup> his Facebook account regularly posts content directly to the public amounting to threats, hate speech and disinformation directed at civil society and opposition members. A running narrative is to position the Cambodia People’s Party (CPP) as the protector of law and order in the country.
35. In a Facebook post in May 2023, he warned that the government would designate those living in exile, for their work to promote democracy in the region, as “extremists” should they return to the country and dispute the election results.<sup>27</sup> In another Facebook post in July, he referred to Thailand’s political situation and accused opposition politicians in Cambodia of meddling in Thai politics to support a party that is allegedly more supportive of them.<sup>28</sup>
36. He had also regularly referred to the now-outlawed Cambodia National Rescue Party as aiming to create a foreign-funded “colour revolution” in the country by instigating

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<sup>24</sup> Kemp, Simon (2023) ‘Digital 2023: Cambodia’, Datareportal, at: <https://datareportal.com/reports/digital-2023-cambodia>.

<sup>25</sup> Kimchhoy Phong, Lihol Srou, and Javier Solá (2016) ‘Mobile Phones and Internet Use in Cambodia 2016’, The Asia Foundation, at: <https://asiafoundation.org/wp-content/uploads/2016/12/Mobile-Phones-and-Internet-Use-in-Cambodia-2016.pdf>

<sup>26</sup> Hun Sen’s official Facebook account “Samdech Hun Sen of Cambodia”. Accessible at: <https://www.facebook.com/hunsencambodia>.

<sup>27</sup> Kim Yutaro (2023) ‘PM warns “extremists who threaten” election process’, Phnom Penh Post, at: <https://phnompenhpost.com/national-politics/pm-warns-extremists-who-threaten-election-process>.

<sup>28</sup> Thai PBS World (2023) ‘Hun Sen defends comments regarding Pita’s failure’, Thai PBS World, at: <https://www.thaipbsworld.com/hun-sen-defends-comments-regarding-pitas-failure>.

mass uprisings.<sup>29</sup> Previously, he had warned that the Cambodia National Rescue Party-ruled Cambodia would devolve the country into another civil war.<sup>30</sup>

37. In January 2023, Hun Sen streamed a video where he threatened physical violence against his political opponents for alleging that the CPP had stolen votes in the 2022 commune election. Given the message and others of that nature,<sup>31</sup> in June 2023, the Meta Oversight Board issued a recommendation that Meta suspends Hun Sen's Facebook and Instagram page for six months to immediate effect.
38. In reaction to the ruling, Hun Sen threatened to leave the platform and block Cambodians' access to Facebook. Meta, however, has refused to abide by the ruling, which prompted his account to be reactivated.<sup>32</sup>

#### IV. Recommendations towards the Cambodian Government

39. Ensure that internet-related laws in the country,
  - Align with the United Nations Declaration of Human Rights and ICCPR.
  - Use clear and explicit terminologies in their provisions. They should list specific violations, as opposed to vague outlines, and encourage proportionate punishment.
  - Drafted with input from civil society organisations and meaningful public participation.
40. Revise or repeal the laws and regulations that impose restrictions on internet freedoms. These include:
  - Amend provisions in the Criminal Code that vague and overbroad terminology as well as harsh penalties that restrict freedom of expression, particularly provisions on disinformation, defamation, lese-majeste and incitement.
  - Amend the Law on Telecommunications for TRC and telecommunication inspection officers to be independent of the MPTC (Art. 10) and to require them to publicise their justifications for actions taken (Art. 12, particularly in relation to licenses (12(f))).

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<sup>29</sup> Keat Soriththeavy and Ouch Sony (2023) 'From "Color Revolution" to "extremists": CPP's linguistic gymnastics against dissidents', VOD, at: <https://vodenglish.news/from-color-revolution-to-extremists-cpps-linguistic-gymnastics-against-dissidents>.

<sup>30</sup> RFA (2017) 'Cambodia's Hun Sen warns of civil war ahead of local elections', RFA, at: <https://www.rfa.org/english/news/myanmar/cambodia/war-05092017165114.html>.

<sup>31</sup> In the ruling, the Oversight Board referred to "Hun Sen's history of committing human rights violations and intimidating political opponents, as well as his strategic use of social media to amplify such threats". See: Oversight Board (2023) 'Oversight Board overturns Meta's decision in "Cambodian Prime Minister" case', Oversight Board, at: <https://www.oversightboard.com/news/656303619335474-oversight-board-overturns-meta-s-decision-in-cambodian-prime-minister-case>.

<sup>32</sup> AFP (2023) 'Cambodian ex-leader Hun Sen back on Facebook after long-running row', Bangkok Post, at: <https://www.bangkokpost.com/world/2640755/cambodian-ex-leader-hun-sen-back-on-facebook-after-long-running-row>.

- Repeal the Inter-ministerial Prakas No. 170 used to revoke media licenses without court decisions as well as grant the government power to order ISPs to block sites.
  - Repeal Sub-decree on the NIG which creates a potentially restrictive and intrusive internet exchange point controlled by the government. Instead, establish and operate National Internet Gateways – if required at all – through public-private partnerships, as well as partnerships with civil society organisations in the country. Ensure data passing through the gateways is not tapped.
  - Amend the Sub-decree on a National Domain Name that mandates companies to use the top-level domain name “.kh” which carries restrictive conditions regarding the information presented on the websites. The National Domain Name should not be required for businesses’ websites.
41. Disseminate internal drafts and streamline the process for public consultations during the legislative process to gather more inputs from a wider range of civil society actors regarding the following laws:
- a. Cybercrime Law to ensure they do not place an undue burden on netizens in the country. It should also align the law with the Budapest Convention on Cybercrime (2004).
  - b. Cybersecurity Law regarding the scope to which government authorities should be able to collect and filter information for defending the country’s cybersecurity.
  - c. a personal data protection law to cover the use of sensitive information by government authorities to be hinged on the individual’s informed consent. The law should also give control over information to the individual, including allowing the consent to be revoked at any time.
42. Enact the Law on Access to Information.
43. Commit to putting an end to the online harassment of civil society actors and opposition politicians.
44. Increase internet access to its citizens to ensure all Cambodians can receive news online. This could be done by:
- Ensuring equal access by marginalised groups of people, including women, people with disabilities, and ethnolinguistic minorities.
  - Incentivising the telecommunications sector to provide low-cost options in both urban and rural areas through tax breaks, subsidies, or similar schemes.
  - Expanding mobile services in rural areas, accompanied by credits or subsidies to citizens who are unable to afford personal internet use or devices.
  - Setting up community internet centres as places where the internet and computers are free for community members to use or come at a low cost.

45. Increase digital literacy education both in formal education settings such as schools and universities as well as in informal education settings. The aim is for Cambodians to be able to discern good sources of information from the bad as well as to be able to evaluate the news they receive.