Introduction

This fact sheet will provide a brief overview of the recent resolution from the UN HRC protecting internet rights and consider the situation of freedom of expression in the Kingdom of Cambodia (“Cambodia”), including the situation of free expression online. It is written by the Cambodian Center for Human Rights, a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia.

Resolution L13- The Promotion, Protection and Enjoyment of Human Rights on the Internet

In recent years the internet has become an important platform for public debate, activism and development. The role of the internet and social media sites in the Arab Spring, which brought democracy to former dictatorships in the Middle East and North Africa, is undeniable. Bearing this in mind, the UN HRC adopted a new resolution on The Promotion, Protection and Enjoyment of Human Rights on the Internet (“the Resolution”) on 6 July 2012. This Resolution aims to extend the provisions on freedom of expression and its related rights and freedoms, as protected by Article 19 of the Universal Declaration of Human Rights (“UDHR”) and the International Covenant for Civil and Political Rights (“ICCPR”), to include internet freedoms. The Resolution states - “the exercise of human rights, in particular the right to freedom of expression, on the Internet is an issue of increasing interest and importance as the rapid pace of technological development enables individuals all over the world to use new information and communications technologies.”

Freedom of Expression and Information

Article 31 of the Constitution of the Kingdom of Cambodia (“the Constitution”) guarantees the rights enshrined in the UDHR and the ICCPR, and incorporates these rights into Cambodian domestic law. Article 41 of the Constitution specifically upholds the right to freedom of expression. While there is no specific legislation to guarantee the right to freedom of information or ‘the right to know’ in Cambodia, the Archives Law (2005) provides for public access to ‘publicised documents’ and the Press Law (1995) recognizes the right of the press to access information in government records. Despite these legislative guarantees however, the situation of freedom of expression in Cambodia is dire. Those who express dissenting opinions are often faced with intimidation, threats of violence or criminal charges. In addition the RGC hold firm control over traditional forms of media – newspapers, radio and television. Against this background, the internet is a reasonably free alternative for those who wish to criticize the status quo, and even for opposition politicians to push issues, seeing as they are seriously restricted in other media. Unfortunately the RGC is beginning to show the same intolerance of freedom of expression in online media that it has shown for many
years towards traditional media. An example of this was seen in January and February 2011 when KI Media website, a site highly critical of the government, was blocked by several Service Providers (“ISPs”), upon the request of officials. Recent plans for the introduction of Cambodia’s first cyber law also indicate moves towards increased internet censorship.

Internet Use in Cambodia

The number of internet users in Cambodia is relatively low compared with the population but this number is growing rapidly. The number of users doubled in 2009 and current figures of internet subscription is estimated at 679,281, although this does not account for those logging on in cafes and university libraries. Despite relatively low penetration, the internet does help to raise awareness about Cambodian issues among Khmer citizens and the international community. The internet also provides a medium for bloggers, news agencies, non-governmental organizations, opposition groups and political parties to communicate their message to the public. Websites like Youtube for example are used to broadcast evidence of human rights violations or abuses of power by the individuals in positions of authority and radio stations such as Voice of America and Voice of Democracy broadcast their news stories online. The internet also has the potential to transform the user from the passive receiver of information, into an active contributor, expressing their opinions to the public freely and easily compared to the use of traditional media tends to be more exclusive.

Response of the Cambodian Government

Due to developments in information technology and the increasing number of internet users, the RGC has proposed the adoption of Cambodia’s first ever Cyber Law to regulate this burgeoning form of media and to prevent “ill-willed people... from spreading false information”. The law is in the early stages of the drafting process and has not yet been made available to the public but fears are that such a law could be damaging to the situation of freedom of expression online in Cambodia. “False information” could be manipulated to mean any sort of information/opinion which runs contrary to the interests of the government or any of its members. Thailand’s Computer Crime Act, which was passed in 2007, provides a good lesson as to how the implementation of a similar cyber law in Cambodia, instead of protecting the interests of the Cambodian people, could have a detrimental effect on political freedom, freedom of expression and the ‘right to know’.

Conclusion

Cambodia has a considerably better record when it comes to freedom of expression over the internet than other nations in the region. When officials have been confronted in the past with criticisms as to the state of free expression in Cambodia, they have used the lack of internet censorship as a rebuttal. Increasing numbers of people with internet access should not result in a restrictive cyber law. Such a law would not only run contrary to the interests of ordinary Cambodians, more and more of whom are connecting to the internet each day, but would also be in conflict with the new UN resolution which seeks to protect this invaluable new medium the world over.

For more details please contact Sorn Ramana (tel: +855 (0) 1765 5591 or e-mail: ramanasorn@cchrcambodia.org) or John Coughlan (tel: +855 (0) 8958 3590 or e-mail: johncoughlan@cchrcambodia.org).