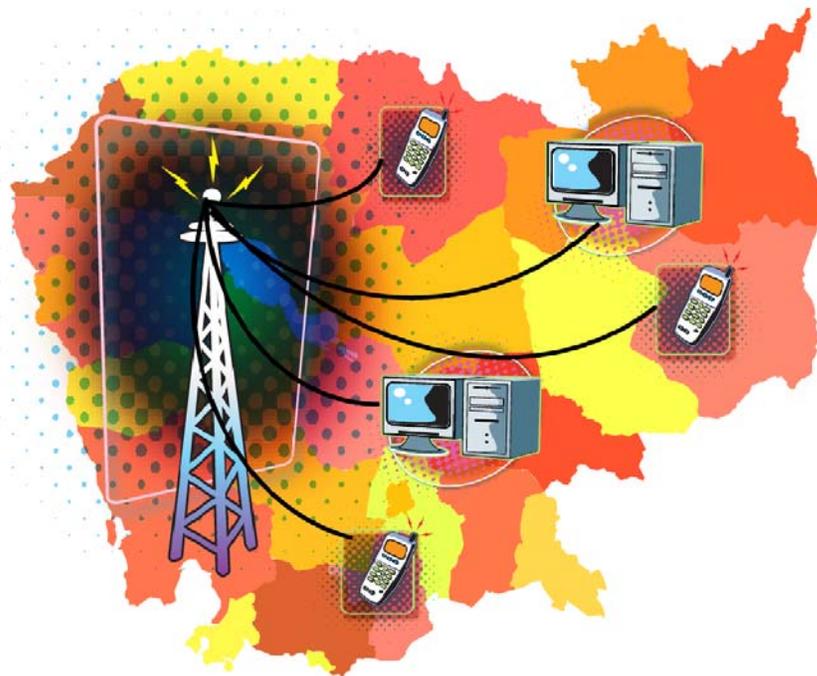




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Cambodian Center for Human Rights

July 2012

New Media and the Promotion of Human Rights in Cambodia



Cambodian Center for Human Rights (“CCHR”)

CCHR is a leading, non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights in the Kingdom of Cambodia (“Cambodia”). Our vision is of a non-violent Cambodia in which people enjoy their fundamental human rights, are treated equally, are empowered to participate in democracy and share the benefits of Cambodia’s development. We desire rule of law rather than impunity; strong institutions rather than strong men; and a pluralistic society in which variety is harnessed and celebrated rather than ignored or punished. Our logo – a dove flying in a circle of blue sky – symbolizes Cambodia’s claim for freedom.

About the Report

This report, *“New Media and the Promotion of Human Rights in Cambodia”* (the “Report”), seeks to explore the extent to which new media, namely mobile phones and the internet, are used in Cambodia, and in particular how they are used to promote and protect human rights. The Report uses a number of Case Studies, from Cambodia and around the world, to show how new media can be and is being used to promote social causes and sets out the potential risks associated with the use of new media. To encourage readers to learn more the subject matter of the Report and to use new media to promote and protect human rights, hyperlinks to the websites and online tools and resources that are discussed in the Report are provided throughout.

The International Freedom of Expression Exchange (“IFEX”)

This report is generously supported by IFEX. IFEX network is a global network of organizations working to defend and promote freedom of expression. CCHR is a member of IFEX.

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Should you have any questions or require any further information about the Report, or if you would like to give any feedback, please email CCHR at info@cchrcambodia.org.

This Report, and all other publications by CCHR, is available online on the award winning Cambodian Human Rights Portal, www.sithi.org, which is hosted by CCHR.



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Definitions and Acronyms

APC	Association for Progressive Communications
ASEAN	Association of South-East Asian Nations
Cambodia	Kingdom of Cambodia
CCHR	Cambodian Center for Human Rights
COMFREL	Committee for Free and Fair Elections in Cambodia
Constitution	Constitution of the Kingdom of Cambodia, 1993 (as amended)
CPP	Cambodian People’s Party
CSO	Civil Society Organization
ECCC	Extraordinary Chambers in the Courts of Cambodia
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
ICT	Information Communication Technology
ISIF	Information Society Innovation Fund
ISP	Internet Service Provider
IVR	Interactive Voice Response
KAS	Konrad-Adenauer-Stiftung
LICADHO	Cambodian League for the Protection and Defense of Human Rights
MAP	Mobile Access Point
MOI	Ministry of Interior
MOPT	Ministry of Posts and Telecommunications
NGO	Non-Governmental Organization
OSCE	Organization for Security and Co-operation in Europe
Penal Code	The Penal Code of the Kingdom of Cambodia 2009
Press Law	Press Law of the Kingdom of Cambodia 1995
Report	This Report entitled <i>“New Media and the Promotion of Human Rights in Cambodia”</i>
RGC	Royal Government of Cambodia
SMS	Short Message Service

SRP	Sam Rainsy Party
TC	Telecom Cambodia
UDHR	Universal Declaration of Human Rights
UN	United Nations
UN Report	United Nations Special Rapporteur's "Report on the promotion and protection of the right to freedom of opinion and expression"
UN Special Rapporteur	United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
UNDP	United Nations Development Programme
UNTAC	United Nations Transitional Authority in Cambodia 1992
VOA	Voice of America
VOD	Voice of Democracy

Executive Summary

Organizations that work to promote and protect human rights can make use of digital communication technologies, such as mobile and internet sources, to advocate, inform, document and communicate with the public about their rights. This Report seeks to explore the extent to which new media, namely mobile phones and the internet, are used in Cambodia, and in particular how they are used to promote and protect human rights.

Chapter 1 (Introduction: Fundamental Freedoms) explores freedom of expression and freedom of information in Cambodia. In particular, the International Covenant on Civil and Political Rights (“ICCPR”) and the Universal Declaration of Human Rights (“UDHR”) specifically refer to the right to seek, receive and impart information through *any* medium, which includes the internet and mobile phones.

Chapter 2 (“Traditional Media” in Cambodia) sums up the situation of traditional media in Cambodia – namely print media, radio and television – and how the Royal Government of Cambodia (“RGC”) controls these media. There is evidence that media professionals use self-censorship and avoid publishing information through traditional media that the RGC could consider offensive or politically sensitive.¹

Chapter 3 (“New Media”) examines the different forms of new media that are presently used in Cambodia, namely mobile phones and the internet. Mobile phones can be used for more than just making telephone calls. Similarly, the internet offers a wide range of technologies that can be used to reach a large number of people cheaply and easily. However, internet penetration in Cambodia is extremely low (according to the Ministry of Post and Telecommunications (“MOPT”), approximately 1% of the population have internet subscriptions²), and there are presently a number of obstacles that prevent greater access to the internet in Cambodia.

Chapter 4 (“New Media” and the Protection and Promotion of Human Rights) details how non-governmental organizations (“NGOs”), particularly human rights NGOs, in Cambodia make use of new media to reach their audience. The diverse blogging scene that exists in Cambodia is discussed in Section 4.2, together with the different blog types and their effects on democratic development in Cambodia. Section 4.3 discusses social media platforms, such as Facebook and Twitter; it seems that nearly every internet user in Cambodia has a Facebook profile, so this is an easy (and cheap) way to reach a large number of people. Video journalism, discussed in Section 4.4, is also a powerful tool to document violations as such testimony is hard to refute. “Crowd Sourcing” (discussed in Section 4.5),

¹For further information on threats – whether judicial or extrajudicial – against journalists see: CCHR Harassment of Media 2008-2011 Map <http://www.sithi.org/temp.php?url=jour_case.php&> accessed 28 May 2012; and CCHR and others ‘Cambodia Gagged: Democracy at Risk?’ (September 2010) 10 <www.sithi.org/admin/upload/media/%5B2010-09-13%5DCambodia%20Gagged:%20Democracy%20at%20Risk%20Joint%20Report%20on%20FoEX.10Sept.ENG.pdf> accessed 28 May 2012

²United States of America Department of State, ‘2010 Country Reports on Human Rights Practices – Cambodia’ (8 April 2011) 18 <www.state.gov/documents/organization/160086.pdf> accessed 28 May 2012

is a useful tool whereby citizens can share their observations via text or online messages on a dedicated internet platform, while others, in turn, verify their claims.

Chapter 5 (Risks of using New Media) discusses the potential risks of using new media in Cambodia. Firstly, restrictions on traditional media are examined, particularly the Press Law of the Kingdom of Cambodia 1995 (“Press Law”), which only regulates print media, and applies to neither broadcast nor online journalism.³ The Chapter also discusses the opposite side of the growing use of Cambodia’s new media by pointing out how the RGC has used laws, technical restrictions and pressure on Internet Service Providers (“ISPs”) to restrict online content and the use of new media as a forum to share opinions critical. It seems likely that as the RGC becomes more familiar with the technology associated with new media and as more and more Cambodians embrace the internet as a platform to share information and ideas, cases of intimidation and prosecution will increase as a way of trying to stop such media being used to criticize the RGC. It remains to be seen how far the RGC will go to try to control new media, and indeed whether such controls will affect how the public use new media.

Finally, in **Chapter 6 (Recommendations)**, the Report makes some recommendations on how the RGC, NGOs, donors, activists, journalists, internet intermediaries and the public at large can help to truly utilize new media to promote democracy and respect for human rights in Cambodia.

³The Cambodian League for the Defense and Promotion of Human Rights (“LICADHO”), *Reading between the lines: How Politics, Money and Fear control Cambodia’s Media* (May 2008) 24 <licadho-cambodia.org/reports/files/119LICADHOMediaReport2008.pdf> accessed 28 May 2012

1 Introduction: Fundamental Freedoms

The recent Arab Spring heralded a new dawn for the use of ‘new media’ as a tool, not only to participate in politics, but also to drive democratic reform. From Tunisia and Egypt to the ongoing uprising in Syria, the internet and social media have been acknowledged as playing a central role in shaping political debates⁴ and raising expectations for the success of such political uprisings. Activists have utilized the internet and social media to mobilize protests, highlight government oppression and quickly disseminate information to an international audience. This ability to disseminate information to a worldwide audience has been crucial to increasing international pressure on authoritarian governments to cede power and allow for the political and democratic reforms that their citizens were/are demanding.

The safeguarding of human rights can also make use of social media, and indeed other mobile and internet tools. Human rights activism depends on testimony.⁵ The internet and mobile phones allow the public to publish and spread evidence of violations, including using video evidence, a form of evidence whose accuracy is particularly difficult to refute. Through online and digital communications, people can advocate, inform, document and communicate their rights, and change the society they live in.

Little has been published about how digital media is used in Cambodia to promote human rights. In addition, recent attempts by the Royal Government of Cambodia (the “RGC”) to censor internet content have gone largely unnoticed by the international community.⁶ This Report seeks to explore the extent to which new media, namely mobile phones and the internet, are used in Cambodia, and in particular how they are used to promote democracy and respect for human rights.

1.1. Freedom of Expression in Cambodia

The use of mobile and online media in Cambodia has to be considered in the general environment of freedom of expression prevailing within the country – this is the fundamental freedom most relevant to digital media. Freedom of expression is key to democracy; a critical society, that is able to voice concerns and raise questions, and demand that political representatives comply with rules and respect the public interest. Freedom of expression also assists in ensuring that public officials are held to account for their actions as the public are able to question their acts and omissions.

⁴ Howard and others, ‘*Opening Closed Regimes: What was the role of social media during the Arab Spring?*’ (Project on Information Technology & Political Islam 2011) 2
<http://dl.dropbox.com/u/12947477/publications/2011_Howard-Duffy-Freelon-Hussain-Mari-Mazaid_pITPI.pdf> accessed 28 May 2012

⁵ M McClagan, ‘Introduction: Making Human Rights Claims Public’ (2006) Vol. 108 Issue 1 American Anthropologist 193

⁶ CCHR, ‘*Internet Censorship: The On-going Crackdown on Freedom of Expression*’ (June 2011)
<http://cchrcambodia.org/index_old.php?url=media/media.php&p=analysis_detail.php&anid=2&id=5> accessed 28 May 2012

The [UDHR](#) expressly confirms the rights of freedom of opinion and expression in Article 19, with similar provisions contained in Article 19 of the [ICCPR](#), the latter of which Cambodia acceded to in 1992. These Articles specifically refer to the right to seek, receive and impart information through *any* medium. The United Nations (“UN”) Special Rapporteur on the right to freedom of opinion and expression, Frank La Rue, stated in his 2011 “Report on the promotion and protection of the right to freedom of opinion and expression” that these provisions were “*drafted with foresight to include and to accommodate future technological developments through which individuals can exercise their right to freedom of expression. Hence, the framework of international human rights law remains relevant today and equally applicable to new communication technologies such as the Internet.*”⁷ The Internet as a source for information is not explicitly mentioned in the clauses of the UDHR and ICCPR, but clearly belongs to the category of any media.

The [Constitution of the Kingdom of Cambodia](#) (“Constitution”) also recognizes and respects human rights; explicitly stating in Article 31 that Cambodia will respect the United Nations Charter, the UDHR and the covenants and conventions related to human rights, women's and children's rights – thereby enshrining the provisions of the ICCPR, UDHR and other international human rights instruments into Cambodian law.⁸ The Constitution also secures freedom of expression through the explicit guarantees of freedom of expression, press, publication and assembly under Article 41, while Article 35 guarantees Khmer citizens of either sex the right to participate actively in the political, economic, social and cultural life of the nation.

1.2. Freedom of Information

The use of mobile phones and the internet is also seen as a way of imparting information to a large number of people in a short space of time. The right to freedom of information can be considered as a precursor to the guarantee of freedom of expression, as it is hard to form or express meaningful opinions without access to accurate and full information. As with freedom of expression, freedom of information also assists in allowing people to hold elected officials to account, as the public requests and reviews information about government actions and transactions.

Under international human rights instruments, freedom of information is generally protected as part of the right to freedom of expression. As stated above, Article 19 of the UDHR provides that “*this right includes freedom to ... seek, receive and impart information*”. This is mirrored in Article 19 of the ICCPR. The office of the Special Rapporteur on Freedom of Expression has also expressly recognized that freedom of information is an integral part of Article 19 of the ICCPR.⁹

⁷F La Rue, ‘Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression’ (A/HRC/17/27 16 May 2011)

<www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf> accessed 28 May 2012

⁸ In a decision made by the Cambodian Constitutional Council dated 10 July 2007, it was confirmed that all human rights instruments to which Cambodia has acceded to form part of the Constitution. See decision no. 092/003/2007

⁹T Mendel, ‘Freedom of Information: A Comparative Legal Survey’ (2nd Edition UNESCO 2008) 3

<http://portal.unesco.org/ci/en/files/26159/12054862803freedom_information_en.pdf/freedom_information_en.pdf> accessed 28 May 2012

Whilst there is no explicit protection of freedom of information within the Constitution, the right, as articulated in Article 19 of both the UDHR and ICCPR, is protected under Cambodian law by virtue of Article 31, which – as noted above – enshrines the UDHR and ICCPR into domestic law.

1.3. Forms of Communication and Media

The term “traditional media” refers to print media, radio and television. These forms of media are established methods of communication, and the traditional tools used for expression. In Cambodia, these forms of media are heavily controlled and restricted by the RGC.¹⁰

By contrast, “new media” encompasses more recently developed technologies and devices such as the internet and mobile phones. These forms of media are generally much more technologically advanced, and as such, less used in certain countries and less regulated. Analysts have said that this means there is greater potential for these media to be used to raise awareness of controversial issues.¹¹ However, there is also greater potential for these media to be blocked without the majority of the population realizing, particularly in less developed countries. The following Chapters set out examples of both traditional and new media, but focus particularly on the novel ways in which new media and digital technologies are being used to protect and promote human rights in Cambodia. The Report uses a number of case studies, both from Cambodia and from other countries around the world, to give a broader perspective of the innovative ways that new media can be used to promote human rights and democracy and to encourage others to embrace new media as tools to improve Cambodian society.

¹⁰Freedom House, *‘Freedom of the Press 2011 – Country Report: Cambodia’* (2011) <<http://www.freedomhouse.org/report/freedom-press/2011/cambodia>> accessed 23 May 2012

¹¹G Knowles, *‘7 Ways Citizens Can Use Social Media To Improve Government’* (OhMyGov! blog, 15 January 2012) <http://ohmygov.com/blogs/general_news/archive/2012/01/15/7-ways-citizens-can-use-social-media-to-improve-government.aspx> accessed 23 May 2012

2 “Traditional Media” in Cambodia

“Traditional media”, namely print media, radio and television, are the more established forms of media, yet in Cambodia they are the forms of media that are subject to the most stringent levels of control and censorship. Since the Paris Peace Agreement in 1991, Cambodia has developed a diverse media landscape. However, the RGC heavily influences most media channels. Freedom House assessed press freedom in Cambodia as “not free” in its 2011 survey,¹² while Reporters Without Borders ranks Cambodia 128th out of 178 countries on its Press Freedom Index.¹³

The RGC’s dominance in the media ensures its control of the dissemination of information. All television stations, most radio stations and the main Cambodian newspapers are either owned or controlled by the ruling Cambodia People’s Party (“CPP”) or individuals aligned with the ruling party.¹⁴ The country’s most popular TV station, ‘the Cambodian Television Network’, is owned by an advisor to the Prime Minister,¹⁵ while another channel, ‘Bayon TV’, is owned by the Prime Minister’s daughter.¹⁶ Permission to broadcast on television or radio is granted by the Ministry of Information, although this power has seemingly been used as a means of exercising control of politically sensitive information by ensuring that permission to broadcast is only granted to government aligned entities.¹⁷ While the majority of TV channels focus on entertainment, primarily broadcasting drama series, music concerts and game shows, the limited political content that is broadcast is heavily biased towards the RGC and the CPP, illustrating television’s role in a heavily one-sided political debate.

Newspapers play an important part in the Cambodian media landscape. 30 newspapers are published on a regular basis in Cambodia, and it has been mostly newspaper journalists who have been the subject of government actions to try to enforce censorship (see Chapter 5).¹⁸ However, low literacy rates,¹⁹ and the fact that 85% of Cambodians live in rural areas and have no opportunity to

¹²K Karlenkar, ‘Press Freedom in 2010: Signs of change amid repression’ (Freedom House 2011) <<http://freedomhouse.org/template.cfm?page=251&year=2011>> accessed 24th May 2012

¹³Reporters Without Borders, ‘Press Freedom Index 2010’ <en.rsf.org/press-freedom-index-2010,1034.html> accessed 28th May 2012

¹⁴The Committee on Free and Fair Election in Cambodia (“COMFREL”), ‘Cambodian Democracy, Elections and Reform: 2009 Report’ (February 2010) 12 <www.comfrel.org/images/others/1265785063Comfrel-Cambodia%20Democratic%20Reform%202009-En-Final.pdf> accessed 28 May 2012

¹⁵S W Crispin, ‘The rise and rise of a Cambodian capitalist’ (1 September 2007) <http://www.atimes.com/atimes/Southeast_Asia/II01Ae01.html> accessed 20 May 2012

¹⁶Phnom Penh Capital Hall, ‘Victims families in Phnom Penh receive Bayon TV funds’ (1 December 2010) <<http://www.phnompenh.gov.kh/news-victim-families-in-phnom-penh-received-bayon-tv-funds-483.html>> accessed 12 May 2012

¹⁷COMFREL, ‘Cambodian Democracy, Elections and Reform: 2009 Report’ (February 2010) 13

¹⁸CCHR and others, ‘Cambodia gagged: Democracy at Risk?’ (September 2010) 22

¹⁹According to research 73.6% of Cambodians are estimated as literate, however literacy is narrowly defined as being able to both read and write a simple message. See LICADHO, ‘Reading between the lines: How Politics, Money and Fear control Cambodia’s Media’ (May 2008) 9

buy a newspaper, as they are only circulated in the urban centers,²⁰ limit the reach and penetration of newspapers.

Radio is very important in Cambodia and, in its most basic form, can be cheap to run although stations with a nationwide reach are usually expensive to operate. There are 74 radio stations officially registered in Cambodia,²¹ most are CPP influenced.²² There are three independent radio stations: the Women's Media Center, which is considered to be politically neutral,²³ Sahrika FM – which is run by the Cambodian Center for Independent Media, and Radio Beehive. The latter sells airtime to different broadcasting stations, as the RGC will not issue further radio licenses.²⁴ For example, channels such as Voice of America (“VOA”), and Radio Free Asia (“RFA”),²⁵ which offer independent reporting, use the Beehive frequency for their shows. The channel has faced repeated restrictions, and been shut down on various occasions; in July the owner of the station, Mam Sonando, was arrested and charged on allegations that he had incited villagers embroiled in a land conflict in Kratie province to secede from Cambodia.²⁶ At the time of writing, Mr. Mam is in provisional detention awaiting trial. This is the third time that Mr. Mam has been arrested.²⁷

The Cambodian Center for Human Rights (“CCHR”) broadcasts a great deal of our materials via the radio; see Case Study 1.



Case Study 1: CCHR Radio

CCHR believes that radio is an effective and powerful medium that can be used to raise awareness and increase understanding of, and respect for, human rights throughout Cambodia.

Broadcasting is an effective way of reaching a broader audience, raising awareness of issues affecting people throughout the country, engaging more people in the democratic process and providing information on human rights issues, the land law and peaceful ways to advocate to resolve conflicts and human rights violations. It has been estimated that the 7 radio stations CCHR uses combined have a potential audience of up to 85% of the Cambodian population.

CCHR broadcasts include recordings of CCHR facilitated Community Hearings and Public Forums, together with legal commentary on salient issues, and a weekly one-hour talk show called “Analysis of the Week” broadcast by Voice of Democracy. CCHR also broadcasts all of its press releases and media alerts.

²⁰LICADHO, ‘Reading between the lines: How Politics, Money and Fear control Cambodia’s Media’ (May 2008) 9

²¹Royal University of Phnom Penh Department of Media and Communication, ‘Cambodia Communications Review 2010’ (December 2010) 6 <<http://www.dmc-cci.edu.kh/userfiles/Cambodian%20Communication%20Review%202011.pdf>> accessed 28 May 2012

²²CCHR and others, ‘Cambodia gagged: Democracy at Risk?’ (September 2010) 20

²³Corruption Free Cambodia, ‘Women’s Media Center of Cambodia’ (2 May 2008) <http://saatsaam.info/en/index.php?option=com_content&task=view&id=94&Itemid=48>

²⁴COMFREL, ‘Cambodian Democracy, Elections and Reform: 2009 Report’ (February 2010) p. 12

²⁵LICADHO, ‘Reading between the lines: How Politics, Money and Fear control Cambodia’s Media’ (May 2008) 9; see also UNESCO ‘Communication and Information: Cambodia’ <<http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/professional-journalistic-standards-and-code-of-ethics/southeast-asia/cambodia/>> accessed 28 May 2012

²⁶Committee to Protect Journalists, ‘Cambodian broadcaster detained on insurrection charges’, (July 2012), <<http://www.cpi.org/2012/07/cambodian-broadcaster-detained-on-insurrection-cha.php>>

²⁷Konrad-Adenauer-Stiftung (KAS), ‘Radio Profile in Cambodia’ (2007) 29 <www.kas.de/wf/doc/kas_16219-1522-2-30.pdf?090417112936>

There have been numerous attempts to restrict traditional media, both via criminal laws and by using threats and intimidation. This is discussed further in Chapter 5. As a consequence, there is evidence of a culture of self-censorship among media professionals, who avoid publishing information that the RGC may consider offensive or politically sensitive.²⁸ As a consequence, observers have noted that there is an active policy on the part of publishers and editors to cover less sensitive and often less interesting stories “*in order to stay out of harm’s way.*”²⁹

While the comments discussed above have predominantly been made about traditional media; the following Chapters show how new media is being used, and illustrates how the less stringent and widespread nature of restrictions on new media have meant that users of these fora are more inclined to share opinions and discuss sensitive topics more freely.

²⁸ CCHR and others ‘*Cambodia Gagged: Democracy at Risk?*’ (September 2010) 20
<www.sithi.org/admin/upload/media/%5B2010-09-13%5DCambodia%20Gagged:%20Democracy%20at%20Risk/Joint%20Report%20on%20FoEX.10Sept.ENG.pdf>
accessed 28 May 2012

²⁹ ‘Soldiers for free speech’ *The Phnom Penh Post* (Phnom Penh, 6 January 2010)

3 “New media”

“New media” encompasses products and services that provide information or entertainment via computers, the internet or mobile phones. The use of new media allows for information to be shared instantly by, and with, anyone with access to the technology. Mobile phones and the internet offer the possibility to communicate in real time, either through text messages, online communications, or via telephone calls. The internet in particular is an interactive multimedia platform on which people can address and share their views. Online social media platforms have proved to be an effective tool to organize social activism and public events.³⁰ Similarly, extensive mobile phone use in Cambodia means that more people can be reached in previously remote and isolated areas. This Chapter summarizes the current situation of new media in Cambodia.

3.1 Mobile Phones

After the destruction of the telecommunication infrastructure by the Khmer Rouge, Cambodia never re-built a nationwide network of landlines.³¹ With the emergence of the mobile network, the need for landlines became less pressing and Cambodia was the first country in the world to have more mobile telephones than landline telephones.³² In February 2012, it was reported that there were 13 million mobile phone subscriptions in Cambodia, equating to 87 percent of the country’s population although it should be noted that many Cambodians carry more than one mobile phone so this percentage is somewhat misleading.³³

Mobile technology in Cambodia enables civil society organizations (“CSOs”) to reach a wider audience compared to other forms of new media, as mobile phones are used in much greater numbers compared to the limited access to computers across the country.³⁴ Much more than merely allowing users to make phone calls, mobile phones can connect people through Short Message Service messages (“SMS”), which can be sent in bulk, and enable users to connect to the internet and the multitude of resources that are accessible online (for example, mobile phone users can post comments, or “Tweets” on the social media platform Twitter which is discussed in Section 4.3, Subsection 2).

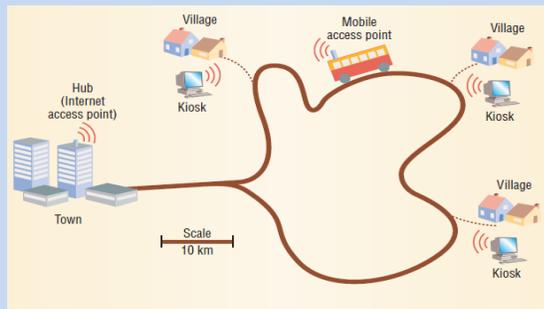
³⁰Secretary of State Hillary Clinton, *Internet Rights and Wrongs: Choices & Challenges in a Networked World* (U.S Department of State 15 February 2011) <www.state.gov/secretary/rm/2011/02/156619.htm> accessed 28 May 2012

³¹International Telecommunication Union, *Khmer Internet: Cambodia Case Study* (March 2002) 5 <www.itu.int/asean2001/reports/material/KHM%20CS.pdf> accessed 28 May 2012

³²Quinn, Kierans, *Asia’s Media Innovators Vol 2* (Konrad Adenauer Stiftung, Singapore 2010) 84 <www.kas.de/wf/doc/kas_21583-1522-2-30.pdf?110126051529> accessed 28 May 2012

³³Budde Communications, *Cambodia – Telecoms, Mobile, Internet and Forecasts* (February 2012) <<http://www.budde.com.au/Research/Cambodia-Telecoms-Mobile-Internet-and-Forecasts.html>> accessed 18 May 2012

³⁴M. Weingarten, *Equal Access: Creating a Community Feedback Loop with Radio and Mobile Phones* (26 July 2011) <mobileactive.org/equal-access> accessed 28 May 2012



Case Study 2: DakNet

DakNet is a mobile wireless network which uses mobile access points (“MAPs”) to bring wireless internet to rural areas where fixed line equipment has been hard to install.

The system combines a physical means of transportation, such as a bus or car, with wireless data transfer to extend the internet connectivity that a central uplink or hub, such as an internet café, provides. Cars, buses and motorbikes carry short-range Wi-Fi antennas, a hard disk and a small generator. Villages store a solar-powered computer and a Wi-Fi antenna in an “internet kiosk”. DakNet then transmits data between the kiosks and the MAPs on the bus. The WiFi radio automatically transfers the data stored in the MAPs and synchronizes it when the access point comes into range.

Although DakNet does not provide real-time data transfer, a significant amount of data can move at once. The system is also much easier than traditional post methods.

In Northern Cambodia, www.CambodiaSchools.com uses this system in 225 rural schools. Due to the terrain, MAPs are placed on motorcycles instead of buses (“Internet Village Motoman”), and in one case, on an ox cart!

3.2 The Internet

In contrast to the extensive mobile phone use, internet penetration is extremely low in Cambodia. The absence of an extensive landline network has restricted the distribution of the internet, as broadband internet services largely depend on a fixed landline, which is often unavailable in rural areas. The emergence of wireless broadband services in 2006 improved the situation, and many Internet Service Providers (“ISPs”) have since entered the Cambodian market. In 2011, 37 ISPs were registered in the Kingdom;³⁵ the large number is a sign of the attractiveness and potential of the Cambodian market. The number of internet subscriptions grew by more than 100% in 2009, as wireless broadcasting services became more widely used. Many companies are also investing in better infrastructure, for example by expanding their fiber-optic networks.³⁶

The state owned Telecom Cambodia (“TC”) allocates the right to use the fixed line networks to ISPs. TC charges ISPs relatively high costs for the use of fixed line services, which are then transferred on to consumers in the form of higher prices. Such high prices of fixed line services compared to household incomes have led to low demand for broadband and dial-up services.³⁷ It remains to be seen if increased price competition between ISPs will result in lower prices for consumers.

High costs are not the only constraint on the wider distribution of the internet and computer access in Cambodia. Lack of computer access and electricity, as well as the costs of the technical equipment

required, make it difficult to install and maintain an internet connection. Furthermore, the distribution of internet connections, and training on how to use them, is not as widespread in Cambodia’s rural areas, although this is changing (see Case Study 2³⁸). There is also a lack of

³⁵Royal University of Phnom Penh Department of Media and Communication, ‘Cambodia Communications Review 2010’ (December 2010) 8

³⁶P Beco, ‘The future of ICT in Cambodia’ South-East Asia Globe’ (Phnom Penh, 5 April 2011) <<http://www.sea-globe.com/Business/the-future-of-ict-in-cambodia.html>> accessed 28 May 2012

³⁷Quinn, Kierans, ‘Asia’s Media Innovators Vol.2’ (Konrad Adenauer Stiftung, Singapore, September 2010) <<http://www.kas.de/wf/doc/1555-1442-2-30.pdf>> accessed 24 May 2012

³⁸IEEE Computer Society, ‘DakNet: Rethinking Connectivity in Developing Nations’ (January 2004) <www.mobileactive.org/files/file_uploads/DakNet_IEEE_Computer.pdf> accessed 28 May 2012

education, language competency and computer skills that affect the capability of many Cambodians to go online. People trained to a professional level in the use of Information Communication Technology (“ICT”) are still rare in Cambodia, and a Khmer Unicode font has only recently been introduced (see Case Study 3).³⁹

With only a small percentage of the population having computer access, Cambodia has one of the lowest connectivity rates in South-East Asia.⁴⁰ According to the Ministry of Post and Telecommunications (“MOPT”), internet subscriptions total 679,281, approximately 4.62% of the population,⁴¹ which is relatively low when compared to other countries in the region.⁴² However, it must be noted that this figure does not take into account the ability to access the internet in cafés (of which there are estimated to be over 320 in Cambodia),⁴³ universities and libraries.

3.3 Uses of New Media

In Cambodia specifically, new media are beginning to gather momentum. There are a number of independent Cambodian news websites, many of which use video and radio to spread their information,⁴⁴ and which are often connected to social media platforms and websites such as Facebook, Twitter and YouTube, through which they also disseminate their news features. Similarly, many Cambodian radio stations use the internet to disseminate their programs: Channels like Voice of Democracy (“VOD”), VOA and Voice of Civil Society (run by the elections supervisory body the Committee for Free and Fair Elections in Cambodia (“COMFREL”)) and others broadcast online. See



Case Study 3: Khmer Unicode

Communicating through ICT in the Cambodian language has encountered many obstacles over the years. However, The Open Institute Cambodia has developed a Khmer Unicode font that made the 23 existing Cambodian scripts compatible with personal computers. Khmer Unicode was officially introduced at all Cambodian education institutions in 2007 and is now widely used on popular websites such as Facebook and Google Mail.

If information online is only provided in English or even Khmer language transliterated into Roman script, there is a risk that many Cambodians will effectively be excluded from the internet. Such an approach could also have long-term consequences for the Khmer language itself if more and more people see their online personas as being exclusively English speaking. As stated in Article 27 of the UDHR and Article 35 of the Constitution, everyone has the right to participate in cultural life, this includes cultural activities online. Accordingly, ISPs should seek to ensure the existence and maintenance of Khmer language platforms for online information.

³⁹LICADHO, ‘Reading between the lines: How Politics, Money and Fear control Cambodia’s Media’ (May 2008) 9

⁴⁰International Telecommunication Union, ‘Information Society Statistical Profiles: Asia and the Pacific’ (2009) 9 <http://www.itu.int/ITU-D/ict/material/ISSP09-AP_final.pdf> accessed 21 May 2012

⁴¹Invest in Cambodia, ‘Telecoms: Invest in Cambodia Q3’ (2011) <<http://www.investincambodia.com/telecoms.htm>> accessed 21 May 2011. Note: figure correct as at April 2011

⁴²Internet penetration in other countries: Viet Nam (30.5%), Thailand (18.5%) and Laos (8.1%) <<http://www.internetworldstats.com/stats3.htm>> figures correct at 31 December 2011

⁴³Royal University of Phnom Penh Department of Media and Communication, ‘Cambodia Communications Review 2010’ (December 2010) 8

⁴⁴Some of the most prominent news websites are www.kohsantepheapdaily.com.kh, www.cen.com.kh and www.dap-news.com.

Case Study 4: Malaysia

Traditional media in Malaysia is heavily controlled by the government with many television and radio stations, as well as newspapers, being owned by persons affiliated to the ruling coalition.

In recent years however, the internet has drastically change the media landscape in the country. In 1998, the government enacted a law that prohibited censorship of the internet. As a result, online news now enjoys much greater freedom than classic media outlets. Portals such as Malaysiakini, Malaysia Today or Free Malaysia Today provide millions of readers with independent news articles each day. They do not avoid sensitive topics such as corruption, human rights violations or illegal logging. Malaysiakini receives information from 200 citizens, who were trained to report potential news stories from areas that are hard for editorial staff to cover. "The overt bias in reporting by mainstream media has also led to an exodus of older people from newspapers to online news." As a result, online news has become the primary news source for most Malays.

Case Study 4 on how online news media has become the primary source for news in Malaysia.⁴⁵ In addition, see Case Study 1 about CCHR Radio.

However, the speed at which digital communications can spread, or "go viral", can lead to inaccurate coverage of events, and while embracing new media, users, and in particular journalists and media outlets, need to be careful not to risk quality for the sake of speed.⁴⁶ There have also been comments that new media can "*spread rumors like wildfire. How do you fact-check and verify [comments made via new media]?*"⁴⁷ This is a valuable consideration when addressing all forms of user generated content, such as that which is posted via social media, which lack the fact checking and editing of the traditional forms of media.

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 Independence Monument on 4 March 2011, in order to celebrate Cambodia's relatively free access to the internet. The event's coordinator advertised the event as follows: "*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 FACT. This is what this event is all about.*"⁴⁸ The event's creator carefully avoided any reference to the Middle East, where a number of popular uprisings commonly and collectively known as the "Arab Spring" were unfolding and repeatedly emphasized that the event "*was not a protest or a demonstration*", and requested that people do "*not hijack this event for political purposes.*"⁴⁹

There were some problems with the organization of the event, principal amongst these being the fact that the organizer was based in the United States, but also a failure on the part of the organizer to connect with the active on-line network within Cambodia to publicize it. Despite the low physical

⁴⁵J Chin, 'The future of Democracy in Malaysia' in Konrad-Adenauer-Stiftung 'A future for Democracy' (Singapore February 2010)

⁴⁶Voice of America, 'What Information means in Cambodia today' (5 May 2011)

⁴⁷Voice of America, 'Tweets from Cambodia' (27 July 2011)

<blogs.voanews.com/khmer-english/musings/2011/07/> accessed 28 May 2012

⁴⁸Cambopedia, 'White-Out Day at Independence Monument' (21 February 2011)

<cambopedia.com/2011/02/white-out-day-at-independence-monument.html> accessed 28 May 2012

⁴⁹Cambopedia, 'White-Out Day at Independence Monument' (21 February 2011)

<cambopedia.com/2011/02/white-out-day-at-independence-monument.html> accessed 28 May 2012

(as opposed to virtual) turn-out – only a handful of people turned up – the event was symbolic and shows the importance that people place on free access to the internet in Cambodia.

4 “New media” and the Protection and Promotion of Human Rights in Cambodia

The relative absence of restrictions of online content in the Kingdom has been such that well-known Cambodian blogger and CCHR Program Director, Chak Sopheap, described the internet in late 2009 as Cambodia’s “new digital democracy”.⁵⁰ The potential of the internet as a platform and resource for disseminating information about human rights and about violations of human rights is clear. The internet is used by a vast range of people and it offers a cheap and (if desired, or even required) anonymous space to exchange opinions with a diverse group of people, domestically and internationally.

Digital communication tools offer a wide range of opportunities to strengthen democracy and human rights, including:

- an improvement in transparency and accountability as people can more easily access and share information;⁵¹
- the easy publication of information about human rights violations and methods of resistance, such as advocacy or direct action techniques;⁵²
- a platform for citizens to express, communicate and share their concerns via blogs, social media and online forums; and
- the ability to reach out to friends and strangers equally.

This Chapter will discuss specific examples of how digital communication tools have been and are being used to protect and promote human rights in Cambodia. We discuss the platforms used on the internet in its broadest sense, and although many mobile phones are “smart phones” that can also access the internet, the section on mobile phones (see Section 4.1) focuses on text messages and phone calls, rather than the internet. In practice, much of the discussion on the platforms used on the internet also applies to smart phones simply for the reason that smart phones offer users access to the internet. However, even if the majority of mobile phone users in Cambodia do not use smart phones, although this is changing, the ubiquity of mobile phones creates possibilities for opening up new channels and formats to allow people to use ICT.⁵³

In relation to the internet, there are many platforms and techniques that can be, and have been, used in Cambodia to protect and promote human rights. These are discussed in more detail in the

⁵⁰S Chak, ‘*Digital democracy emerging in Cambodia*’ (Sopheapfocus, 11 November 2011)

<sopheapfocus.com/index.php/2009/11/digital-democracy-emerging-in-cambodia/> accessed 28 May 2012

⁵¹R Avila, ‘*Global: Online Dialogue on Technology for Transparency*’ (Technology for Transparency Initiative, 21 September 2011) <<http://globalvoicesonline.org/2011/09/21/global-online-dialogue-on-technology-for-transparency/>> accessed 28 May 2012

⁵²CCHR and others, ‘*Cambodia gagged: Democracy at Risk?*’ (September 2010) 20

⁵³United Nations Development Programme Asia Pacific Regional Centre, ‘*e-Discussion on Social Media and Democratic Space in the Asia Pacific*’ (21 October to 18 November)

following sections, including blogs (Section 4.2), social media (Section 4.3), video journalism (Section 4.4), and portals (Section 4.5).

4.1 Mobile Phones

Mobile phones can be and are being used in novel ways to communicate with a wide number of people and inform them about their rights. For example, www.mobileactive.org is a website that provides information on how mobile phones can be used for citizen media and activism, and aims to advance the work of NGOs through facilitating the effective use of mobile phone technology. The website has recently launched a “Mobile Media Toolkit”; this is a series of blog posts about how to use mobile phones as part of citizen journalism, whereby members of the public “*play an active role in the process of collecting, reporting, analyzing and disseminating news and information*” in order to “*provide independent, reliable, accurate, wide-ranging and relevant information that a democracy requires.*”⁵⁴



Figure 1: Logo for www.MobileActive.org

“Equal Access” is one organization highlighted by www.mobileactive.org, which has made full use of mobile-based tools such as bulks SMS messages and through the use of Interactive Voice Response (“IVR”) technology, including in Cambodia. IVR is a system that allows people to call a number, navigate the menu, and then listen to prerecorded information, leave comments, or record messages to be answered in the future. Equal Access primarily uses this service to inform citizens of their rights. In Cambodia, Equal Access began operations with a project targeting rural women and children at risk of trafficking and sexual exploitation: “*Since that initial project, Equal Access has been delivering vital information to underserved Cambodians eager to transform information into action and improve their communities.*”⁵⁵ Equal Access primarily uses radio and television media for their communication, but given the prevalent use of mobile phones in Cambodia, it is hoped that IVR will be deployed more extensively in the future.

One use of mobile phones that has been widely employed in the context of human rights in Cambodia, and around the world, is to record videos. In Cambodia, Venerable Loun Sovath, also known as the “multimedia monk”, became a famous advocate of communities by recording videos of human rights violations. As part of his advocacy, he travels to different communities around Cambodia recording videos on his mobile phone, and screening them for local communities. He was awarded the Hellman-Hammett Award by Human Rights Watch (“HRW”) in 2011 for his commitment to free expression and courage in the face of persecution,⁵⁶ and has recently been nominated for

⁵⁴ Bowman, Willis, ‘*We Media: How Audiences are Shaping the Future of News and Information*’ (American Press Institute, July 2003)

⁵⁵ ‘Equal Access’ (website)

<www.equalaccess.org/country-programs/cambodia/> accessed 28 May 2012

⁵⁶ S Meas, ‘Monk, Publisher win awards’ *The Phnom Penh Post* (Phnom Penh, 27 June 2011)

2012 Martin Ennals Award for Human Rights Defenders for his advocacy work. (Further information about video journalism can be found in Section 4.4)

It appears that many NGOs do not make use of mobile phone technology to reach their audience, other than to communicate with donors and staff. One NGO that has used mobile phone and SMS technology is COMFREL. In 2007, COMFREL sent SMS to people all over the country reminding them to vote during the commune elections. However, the RGC and National Election Committee (the “NEC”) blocked all SMS services in Cambodia on the day of the elections;⁵⁷ claiming that the messages would breach the regulation that forbids campaigning on Election Day. As a result of the ban, COMFREL’s SMS system that was also used for reporting voting infractions was severely disrupted. In 2008, COMFREL successfully lobbied the RGC to allow the messaging campaign, which was then allowed to go ahead unblocked during the national elections.⁵⁸



Figure 2: COMFREL website logo

SMS technology is relatively cheap, and can be easily implemented. In addition, the use of mobile phones for fundraising and collecting donations, whereby supporters send messages which contribute small donations, has proven hugely successful in a number of countries including the United States and United Kingdom. Given the extensive mobile phone use in Cambodia, this is a form of communication that is yet to be fully utilized by the human rights community.

4.2 Blogging

A blog is a website containing the writer’s or a group of writers’ own experiences, observations, opinions etc., and often has images and links to other websites.⁵⁹ The links hosted on blogs generally lead users to similar content or to websites or other blogs that the author or authors themselves like. Blogs also allow readers to comment on each blog entry, with their enquiries being published openly, and other readers or the authors having the opportunity to comment on the post in return. The accessibility of blogs, which can be easily created on free hosting platforms such as www.blogger.com and www.wordpress.com, gives people the opportunity to start their own page on the internet and to communicate with others.

A blog can focus on topics, whether personal or more abstract, which the author is interested in. Blogs can be distinguished according to the medium they use – text, photo, radio or film. However, many blogs mix these formats and instead focus on a specific topic rather than a particular media format. They are often described as public online diaries, but can be much more than just a platform for individuals to address and discuss their personal interests and concerns. Blogs can raise

⁵⁷ COMFREL, ‘Final Assessment and Report on 2007 Commune Council Elections’ (23 August 2007) 12 <www.comfrel.org/images/others/1188360503COMFREL%20CCE%20Report%20Final%20without%20Pictures.pdf> accessed 21 May 2012

⁵⁸ COMFREL, ‘Annual Narrative Activity Report 2008’ (13 February 2009) 4 <www.comfrel.org/eng/components/com_mypublications/files/2149451234495748the_2008_narrative_activity_report_final_.pdf?f188ba910850b56338a224e1112cea7d=50ffb11176c1dd0c9cbac226dced5d5a> accessed 28 May 2012

⁵⁹ <<http://dictionary.reference.com/browse/blog?s=t>> accessed 28 May 2012

Phnom Penh⁶⁶ speech on 16 February 2011, Keo Kounila, who hosts the well-known blog [Blue Lady Blog](#), encouraged her audience to start blogging so that they could connect online.

The Cambodian blogging scene is also connected to international networks, such as the [Global Voices Online Platform](#), and [Asian Correspondent](#). Both sites create a space for hundreds of bloggers from around the world to work together sharing information from blogs and citizen media. For example, Global Voice “is a community of more than 500 bloggers and translators around the world who work together to bring you reports from blogs and citizen media everywhere, with emphasis on voices that are not ordinarily heard in international mainstream media.”⁶⁷ Asian Correspondent is a similar platform that employs a number of bloggers and journalists around the world.⁶⁸

Three types of blogs used for political advocacy can be identified, and are used in Cambodia:⁶⁹

- Crisis Blogs, which “address an injustice which can be resolved quickly”;
- NewsBlogs, which aggregate news and other material on one website; and
- Journalistic Blogs, which are created mostly by young Cambodians, who write and reflect about their social environment and Cambodia. ‘

These types of blogs are considered in the following sub-sections.

4.2.1 Crisis Blogs and Online Petitions

Crisis Blogs and online petitions focus on a specific cause. Two examples illustrate how such blogs and petitions are utilized in Cambodia and their potential as a platform for launching advocacy campaigns. The most prominent crisis blog in Cambodia is the “[Save Boeung Kak](#)” blog, which is maintained by a private individual and concerns events at Boeung Kak Lake.

The Boeung Kak Lake community has, in recent years, been affected by forced evictions. In February 2007, the Phnom Penh municipality granted a land concession of 133 hectares of land to the company Shukaku Inc at Boeung Kak Lake. The development plan for the site was to fill the lake with sand and resettle all residents who live around the lake.⁷⁰ Human rights organizations estimate that 4,000 families have been affected.⁷¹ Many residents complain about the unlawful circumstances under which the concession was granted to Shukaku, and the inadequate compensation that is provided for voluntary resettlement.⁷² The blog informs readers of developments at the lake, and

⁶⁶TED is a nonprofit organization that organizes a number of events devoted to “Technology, Entertainment, Design” TED events are planned and coordinated independently see; <www.ted.com/pages/about>

⁶⁷Global Voices Online (website) <globalvoicesonline.org/about/>

⁶⁸Asian Correspondent (website) <www.asiancorrespondent.com>

⁶⁹Global Voices Online, ‘*Citizen Media: An Introduction*’ (January 2008) <globalvoicesonline.org>

⁷⁰Sahmakum Teang Tnaut, ‘*A home no more – stories from Boeung Kak Lake*’ (December 2010) <www.babcambodia.org/stopevictions/eviction/docs/A_Home_No_More_Stories_from_BKL.pdf> accessed 29 May 2012

⁷¹Cambodian Center for Human Rights, ‘*Case Study Series: Activism in Cambodia, 2011*’ (December 2011) <http://www.cchrcambodia.org/admin/media/factsheet/factsheet/english/Case_Study_Factsheet_Activism_in_Cambodia_2011_ENG.pdf> accessed 24 May 2012

⁷²Bridges Across Borders Cambodia, ‘*Boeung Kak Lake Residents Score Human Rights Victory*’ (2011) <<http://www.babcambodia.org/newsarchives/BKL%20Land%20Titles.html>> accessed 24 May 2012

encourages visitors to sign the petition to halt the filling of the lake, ensure fair and just compensation, and stop forced evictions.



Figure 4: Screenshot of the Boeung Kak Lake Crisis Blog

With regards to online petitions, the most prominent example concerned the politician Mu Sochua, a member of the opposition Sam Rainsy Party (the “SRP”) and a famous activist on women’s rights in Cambodia, who was convicted of defamation in 2009 in a case brought against her by Prime Minister Hun Sen. The petition, [Stop Suppression of Speech in Cambodia](#) was hosted on the [Petition Online](#) platform and received 2,868 signatures from people condemning the conviction of Mu Sochua and urging United States President Barack Obama to push for more freedom of expression in Cambodia.⁷³

These two cases show that crisis blogs and online petitions can attract significant attention within the online community. Petition platforms in particular have become well used as a way of fighting human rights violations. For example, there are a number of petitions hosted on the [ipetitions](#) platform, including one which relates to the Khmer Rouge tribunal at the Extraordinary Chambers in the Courts of Cambodia (the “ECCC”) ([Cambodian survivors seek justice](#)), and another which concerns the mistreatment of teachers reporting corruption ([Mistreatment of Three Teachers that Reported Corruption in Kroul Kol High School](#)). In addition, the Prey Lang direct action group has started a petition on [Change.org](#) which is “an online advocacy platform that empowers anyone, anywhere to start, join, and win campaigns for social change”. Following the recent murder of Chut Wutty, a prominent environmental activist in Cambodia, a petition titled [We are all Chut Wutty](#), was

⁷³ For a comprehensive analysis of the Mu Sochua’s case, see Cambodian Center for Human Rights, ‘*Legal analysis: The case of the Kingdom of Cambodia vs. Mu Sochua*’ (June 2010) <[www.cchrcambodia.org/admin/media/analysis/analysis/english/2010-06-01-%20Legal%20Analysis%20of%20the%20Case%20of%20Kingdom%20of%20CambodiavMU%20SOCHUA%20EN.pdf](#)> accessed 24 May 2012

started on Avaaz.org to lobby for the protection of Cambodia’s forests, the cause that Chut Wutty died for.

However, these blogs and petitions appear to have been started by individual activists or affected communities, rather than NGOs. Most NGO campaigns appear to use “classic” websites to support their cause, rather than deploying the format of a blog or other, more interactive platforms. Given the diverse blogging scene in Cambodia, this appears to be a missed opportunity.



Figure 5: The KI-Media website logo

4.2.2 News Blogs

News Blogs gather national and international press articles, radio features, video clips, statements from NGOs and government agencies, and publish the information on one website. They are an important source for people to find up-to-date news, but the blogs rarely generate their own news articles. The blogs provide a critical survey of developments in Cambodia, while giving readers the ability to comment and discuss the posts.

There are a number of News Blogs that gather news on Cambodia, and translate articles from the Khmer language press into English. However, many are very critical of the government, and recently, News Blogs have been the target of government censorship (see Chapter 5). The most well-known News Blog in Cambodia is KI-Media, which originally started as an email list and then evolved into a blog in 2005.⁷⁴ The authors are “*dedicated to publishing sensitive information about Cambodia*” and are heavily critical of the RGC and ruling CPP. The range of articles and their presentation is biased at times, particularly in support of the opposition Sam Rainsy Party (“SRP”), and the website has been criticized by other Cambodian journalists. It has also been accused of offering space for comments which are “*un-civil statements, full of personal attacks, using horrendous profanity, combined with ethnic and racial slurs.*”⁷⁵ Readers seem to take little offence at the style however; with the KI-Media being one of the most visited websites in the country.⁷⁶

In addition, it is encouraging that, despite efforts by the government to frustrate New Blogs like [KI-media](#) and [Khmerization](#) (see Chapter 5), more and more News Blogs seem to be coming into existence as the internet is becoming more widespread in Cambodia. For example, [Sahrika](#) – which is

⁷⁴Tharum Bun, ‘Why improved KI-Media can be good for Cambodia’ *Asian Correspondent* (22 September 2010) <<http://asiancorrespondent.com/40567/why-cambodia-needs-higher-standard-ki-media/>> accessed 24 May 2012

⁷⁵N. Klein, ‘Censorship: Thousands of Crude Porn Sites Accessible on Internet – One Khmer Artist Blocked’ *The Mirror* (Phnom Penh, 2 February 2009) <<http://www.cambodiamirror.org/2009/02/02/censorship-thousands-of-crude-porn-sites-accessible-on-internet-%E2%80%93-one-khmer-artist-blocked-sunday-122009/>> accessed 29 May 2012

⁷⁶Tharum Bun, ‘Why improved KI-Media can be good for Cambodia’, *Asian Correspondent* (22 September 2010) <<http://asiancorrespondent.com/40567/why-cambodia-needs-higher-standard-ki-media/>> accessed 24 May 2012

the Khmer name for the talking Myna Bird – provides an overview of media coverage of land and housing rights issues in Cambodia.⁷⁷

4.2.3 Journalistic Blogs

Journalistic Blogs focus on general issues concerning the local and national socio-political environment. Many reports include general observations on society, cultural events and the development of Phnom Penh as an urban center. Travel and technological progress are other topics that are often covered. Many authors work as journalists or study subjects related to media, communications and design. However, some are simply individuals who feel compelled to write about their surroundings.

This is essentially a form of “citizen journalism”; journalistic bloggers upload commentary on events as they see them, rather than waiting to receive information from mainstream, traditional media. Journalistic bloggers state a variety of different motivations for running their blogs. Most bloggers simply want to share their views with others; they seek to inform people about Cambodia, and appreciate the opportunity to discuss issues with fellow nationals and internationals alike.

Journalistic Blogs are important sources of information which provide a platform to young Cambodians who want to spread their opinion and engage in political debate. The journalistic blogging community in Cambodia is rather small, but provides an important contribution to public debate and critical reflection on the development of Cambodia.⁷⁸ Cambodian journalistic bloggers do not shy away from addressing political or social shortcomings, and authors of Journalistic Blogs often want to promote an exchange of opinions, which is a crucial prerequisite to a debating culture and is essential to a working democracy. The voices of two young “cloghers”, Kounila Keo and Chak Sopheap, have become prominent on social issues through their respective blogs, www.blueladyblog.com and www.sopheapfocus.com.

4.3 Social Media

The term “social media” refers to internet-based and mobile technologies that turn communication into an interactive dialogue. Social media allow the creation and exchange of user-generated content, and have been described as a form of blogging – users of social media update their “status” or upload content to their accounts to share with their friends, or other readers of their pages. This is similar to the concept of blogging, although with social media, the updates are generally shorter than the average blog entry. Below, we discuss the two biggest social media platforms: Facebook and Twitter, and how they are being used in Cambodia as platforms to discuss social issues and as tools to promote and protect human rights.

4.3.1 Facebook

⁷⁷Sahrika (website) <<http://sahrika.wordpress.com/whats-sahrika-2/>>

⁷⁸Sopheap Chak, ‘Democracy in Cambodia: Progress, Challenges, and Pathway’ in Konrad-Adenauer-Stiftung, ‘A future for Democracy’ (Singapore February 2010) <www.kas.de/wf/doc/kas_23467-1522-2-30.pdf?110804130713> accessed 21 May 2012

As in nearly all Asian countries, social media platforms are very successful in Cambodia. The most popular platform is Facebook, while [AngkorOne](#) is another popular social networking website in the Kingdom. Facebook has 508,820 users in Cambodia.⁷⁹ This number does not indicate the actual number of users, as many Cambodians have multiple profiles and many groups and organizations also maintain Facebook profiles. However, this figure suggests that nearly all internet users in Cambodia have a Facebook profile.⁸⁰

In Cambodia as in most countries, Facebook is mainly used as a tool to socialize; a 2010 study found that most Cambodians use it for fun, socializing and friendship.⁸¹ However, media and human rights organizations also make extensive use of Facebook, and use the website to spread news and information about social issues or to inform people about their work, including publishing statements and reports. As of



Figure 6: ECCC's Facebook page

May 2012, CCHR had 4,394⁸² followers of our [Facebook Page](#) while [Voice of America \(Khmer\)](#), the facebook page of the news agency of the same name, had nearly 13,000 followers. The Extraordinary Chambers in the Courts of Cambodia also has a [Facebook page](#) (see text box), which updates followers about developments, posting recent press releases and other documentation from the Court. [The Cambodian League for the Promotion and Defense of Human Rights](#) (“LICADHO”) also launched a [Facebook page](#) in July 2011.

Interestingly, Cambodian politicians have also created Facebook profiles, where they discuss their actions and opinions. Khieu Kanharith, Cambodia’s Minister for Information, has 4,028⁸³ friends on Facebook, and the statements on his profile receive an impressive number of comments and feedback. Opposition politicians also have Facebook profiles: Mu Sochua has around 3,254 friends,⁸⁴ and has said that she logs into Facebook at least three times a day to make posts or upload images

⁷⁹ Social Bakers, <<http://www.socialbakers.com/facebook-statistics/cambodia>> figure correct as at 28 May 2012

⁸⁰ S Samadee, ‘Fun, Friendship and Socialisation: Facebook by Cambodian users’ in, ‘*Cambodia Communications Review 2010*’ (Royal University of Phnom Penh Department of Media and Communication December 2010) 12

⁸¹ S Samadee, ‘Fun, Friendship and Socialisation: Facebook by Cambodian users’ in, ‘*Cambodia Communications Review 2010*’ (Royal University of Phnom Penh Department of Media and Communication December 2010) 12

⁸² Figure correct at 30 May 2012

⁸³ Figure correct at 30 May 2012

⁸⁴ Figure correct at 30 May 2012

and multimedia.⁸⁵ There is a Facebook page for Prime Minister Hun Sen, but in May 2011, he released a statement saying that it was not genuine.⁸⁶

The Cambodia Daily recently commented that “Facebook in Cambodia is changing the way the government and the public interact with each other, and is opening up channels of communications”.⁸⁷ The article quotes Khieu Kanharith as saying that the reason is efficiency, as one can quickly answer questions and report information to many different followers, including newspapers and the public. Mu Sochua is quoted saying that Facebook gives people more room to express their opinions, and to receive more diverse views.⁸⁸

4.3.2 Twitter

[Twitter](#) is another social networking site through which people can communicate through the exchange of quick, frequent messages, known as “Tweets”, of 140 characters or less. Twitter is an ideal service for a phone-centric country such as Cambodia, with its already established culture of text messaging,⁸⁹ as you can create a Twitter account and send and receive ‘tweets’,⁹⁰ without the need for a smart phone.



Twitter accounts of Prominent NGOs and Organizations in Cambodia

The following NGOs, newspapers and other networks and organizations use Twitter as a tool to reach their audiences. The number of followers of each group as of May 2012 is provided in brackets. To find these groups on Twitter simply type their username (for example @PreyLangForum) into the search tab on the top right hand of your Twitter home page.

- ARTICLE 19: @article19org (2,189 followers)
- Cambodian Rural Development Team: @CRDT_Cambodia (134 followers)
- CCHR: @cchrcambodia (513 followers)
- COMFREL: @COMFREL (147 followers)
- ECCC: @KRtribunal (1,082 followers)
- Forum Asia: @forum_asia (207 followers)
- International Freedom of Expression Exchange: @IFEX (515 followers)
- LICADHO: @licadho (161 followers)
- Open Society: @opensociety (28,883 followers)
- *The Phnom Penh Post*: @phnompenhpost (3,510 followers)
- The Prey Lang direct action group: @PreyLangForum (83 followers)
- VOA: @VOA_News (26,418 followers)

⁸⁵ ‘Searching for a Public Voice, Politicians Sign Up to Facebook’ *The Cambodia Daily* (Phnom Penh, 18 October 2011)

⁸⁶ The ‘Searching for a Public Voice, Politicians Sign Up to Facebook’ *The Cambodia Daily* (Phnom Penh, 18 October 2011)

⁸⁷ ‘Searching for a Public Voice, Politicians Sign Up to Facebook’ *The Cambodia Daily* (Phnom Penh, 18 October 2011)

⁸⁸ ‘Searching for a Public Voice, Politicians Sign Up to Facebook’ *The Cambodia Daily* (Phnom Penh, 18 October 2011)

⁸⁹ Voice of America, ‘Tweets from Cambodia’ (27 July 2011) <blogs.voanews.com/khmer-english/musings/2011/07/> accessed 23 May 2012

⁹⁰ Twitter inc., ‘Getting started with Twitter via SMS’ <<http://support.twitter.com/forums/23786/entries/14589>> accessed 24 May 2012



Case Study 5: Cambodia-Thailand border dispute

The temple of Preah Vihear and surrounding areas have been at the center of a century-old dispute between Cambodia and Thailand, with both sides hotly contesting sovereignty over the area. The award of World Heritage status to the temple in 2008 exacerbated tensions, leading to continual outbreaks of violence from October 2008. The dispute has also been escalated at times of elections within the two countries, as a means of provoking nationalist and patriotic sentiment and to curry favor for the ruling Cambodian People's Party in Cambodia and the Democrat Party in Thailand.

In April of 2011, the Foreign Minister of Thailand, Kasit Piromya, tweeted his desire for peace between Cambodia and Thailand. He tweeted that *"Thailand has no reason to attack Cambodia since it has been assisting the neighbor in many development projects."*

This was preceded by months of tweeting from the citizens of the two countries, and echoed posts from those active in the Twitter community fearful that an escalation of the border conflict was imminent.

Beyond sharing Thailand's stance on the issue of the border dispute, Twitter was used as a medium to encourage the people of Thailand to stay united, while at the same time signaling a desire for peace with Cambodia.

While the Twitter community in Cambodia is small, there is great potential for growth. Within the current community, an account has been created labeled [Tweetcambodia](#) which has over 1,000 followers. Tweetcambodia provides a link to a website that compiles tweets with the hashtag #cambodia, lists active users and encourages blogging.⁹¹ In an article by VOA, John Weeks, the founder of Tweetcambodia, is quoted explaining how Twitter is already being used in Cambodia to share news and information. For example, in the words of Weeks, *"much of the discussion over the alleged blocking of KI-Media was driven via Twitter"*. Furthermore, Weeks stated that he *"expect[s] to see Twitter grow as a tool for sourcing and sharing news."*⁹² In the same VOA article another Tweeter observed the rapid pace at which people tweeted about the stampede on the Koh Pich Bridge during the Water Festival of 2010.⁹³ Twitter has also acted a medium of diplomacy for the border dispute between Cambodia and Thailand (see Case Study 5).⁹⁴

Many human rights organizations in Cambodia use Twitter to communicate with followers. Such organizations often have a dedicated person who updates their pages, and often provide links to their main websites, news articles and press releases. However, NGOs in Cambodia seem to have few followers, ranging from 50 to 500, with the majority being fellow NGOs or journalists. By contrast, the Twitter pages of news agencies in Cambodia have many more followers (see table on previous page).

4.4 Video and Video Journalism

Video reporting can have staggering effects: videos capture pictures and sound and their veracity is difficult to question. Video is a medium that is well suited to the

⁹¹Tweet Cambodia, *'Following Cambodia...'* <www.tweetcambodia.com/>

⁹²Voice of America, *'Tweets from Cambodia'* (27 July 2011)

⁹³Voice of America, *'Tweets from Cambodia'* (27 July 2011)

⁹⁴Kanya Wattapanorn, *'Thailand's Foreign Minister Tweets For Peace'* *Thailand Business News* (27 April 2011) <<http://thailand-business-news.com/asean/30170-thailands-foreign-minister-tweets-for-peace#.TsMgknLhdE5>> accessed 28 May 2012



Case Study 6: Kratie shooting

On January 18, 2012, villagers from Snuol district in Kratie province gathered to protest against the bulldozing of their cassava fields by TTY Company. Military personnel, acting as private security contractors to help clear the land for TTY Company, opened fire on the protesters with AK-47 assault rifles.

Local activists had filmed the incident, with the footage subsequently being [posted online](#) by LICADHO. The public outcry that resulted from the release of the video prompted Prime Minister Hun Sen to intervene and publicly call for TTY to hand over the security guards responsible. Following Hun Sen's call, two employees were arrested by the local authorities. While there have not yet been any convictions in the case, the response of the authorities – in a country where police and private security forces routinely use violence against peaceful demonstrators with impunity – illustrates the potential power of video advocacy in human rights in Cambodia.

demands of a globally mediated world and is helpful in bringing the “*hidden into the light.*”⁹⁵

The New York based human rights platform [WITNESS](#) was one of the first organizations recording, and training activists and communities around the world on how to record video evidence of human rights violations. With a catch line of, “See It, Film It, Change It”, the organization has “*assisted in securing justice for tens of thousands across the globe by handing out cameras and training human rights activists in 50 countries in the use of video to back-up courtroom testimony.*”⁹⁶ In Cambodia, WITNESS has collaborated with LICADHO in the latter's campaign on forced evictions⁹⁷ - LICADHO has trained 28 individuals in 8 provinces on how to use video to document forced evictions and community responses to them: “*By using small pure digital video cameras, community organizers throughout Cambodia are documenting forced evictions for use within their campaigns.*”⁹⁸

The videos were originally posted on the [Hub](#), which was developed by WITNESS as “*the world's first participatory media site for human rights.*”⁹⁹ However, the Hub has now been turned into an archive and Witness has recently launched a replacement channel on Youtube. The [Human Rights Channel](#), developed in collaboration with [Storyful](#), aims to provide “*a platform to tell breaking stories through the lenses of citizen journalists that will change the way we view, share and engage human rights video.*”¹⁰⁰ See Case Study 6 for an example of how such videos have been used to highlight human rights violations in Cambodia.

It is not only trained communities that use video evidence; many other human rights organizations, independent journalists and activists use it, and post their videos online, particularly via [YouTube](#). YouTube use is prevalent throughout the world. In Cambodia, YouTube is perceived to be an effective medium through which NGOs, activists and

⁹⁵ M McLagan, ‘Introduction: Making Human Rights Claims Public’ (March 2006) Vol. 108 American Anthropologist 192

⁹⁶ WITNESS (website) <www.witness.org/about-us>

⁹⁷ ‘See It, Film It, Change It’ *Asia Life* (9 December 2010)

⁹⁸ WITNESS ‘LICADHO campaign’ <www.witness.org/campaigns/all-campaigns/LICADHO>

⁹⁹ The HUB (website) <hub.witness.org/en/AboutHub>

¹⁰⁰ WITNESS, ‘WITNESS and Storyful Announce New YouTube Channel for Human Rights’ (24 May 2012) available at <<http://blog.witness.org/2012/05/witness-and-storyful-announce-new-youtube-channel-for-human-rights/>> accessed on 24 May 2012

members of the general public can express themselves. Where human rights are concerned, YouTube allows members of civil society and the public to keep up-to-date on current issues, and provides people with the opportunity to become actively involved.

CCHR maintains a YouTube channel to publicize our work including our public forums which provide communities affected by human rights violations a platform to discuss the issues affecting their lives. The [CCHR YouTube Channel](#) is particularly beneficial for those who are unable to attend our forums in person. As of May 2012, the Channel had 24,002 video views.¹⁰¹ Similarly, [LICADHO Canada](#), who work in close collaboration with LICADHO in Cambodia, also has a YouTube channel (203,499 video views)¹⁰². The [LICADHO Canada YouTube Channel](#) contains “mini-documentaries” to raise awareness of human rights violations in Cambodia. VOA Khmer News also utilizes YouTube and posts various news clippings on their [channel](#) which has 2,704,609 video views.¹⁰³ Bloggers in Cambodia also upload the videos posted on these YouTube channels to their blogs, but it seems that blogging sites in general do not have channels in their own right. From the relatively low numbers of video views on specifically Cambodian sites, it seems that the YouTube videos are not being widely used to promote and protect human rights within Cambodia. However, the ability to record actual events offers a powerful tool, as such evidence is hard to dispute, and has a powerful impact on those who see it, as demonstrated in Case Study 6.

The ECCC also publishes all information and uploads videos and photographs of sessions at the Khmer Rouge trial onto its [website](#). In addition, the [Cambodia Tribunal Monitor](#) is “a consortium of academic, philanthropic and non-profit organizations committed to providing public access to the tribunal and open discussion throughout the judicial process.”¹⁰⁴ It provides daily reports about the events in the tribunal, and videos of the proceedings. Between them, these websites have established a form of “virtual tribunal”, where members of the public, in any country, can see videos of the proceedings and read the court documents. This not only publicizes the proceedings happening in Cambodia, but helps to inform people around the world about the cases.

4.5 Portals and Crowd Sourcing

The term “crowd sourcing” is predominantly a business term, and means to outsource a task via the internet to use the online community to collectively solve a problem. For example, in September last year, online gamers who play “Foldit” - a game that asks players to work out complex three-dimensional structures - identified the structure of a protein that is crucial to the replication of the HIV virus. Scientists had tried unsuccessfully to model the protein, but gamers managed to “solve” the structure in a matter of weeks.¹⁰⁵

Crowd sourcing has also proved to be an effective method to monitor human rights violations. Whether it is with regards to elected or judicial branches of government, political parties or the media itself, online platforms can track the actions of governments and institutions and report, for instance, abuses or corruption. Citizens who share their observations via text or online messages on

¹⁰¹ See CCHR’s YouTube channel <www.youtube.com/user/cchrcambodia>

¹⁰² Figure correct at 30 May 2012

¹⁰³ Figure correct at 30 May 2012

¹⁰⁴ The Cambodia Tribunal Monitor <www.cambodiatribunal.org/about-us>

¹⁰⁵ M Melnick, ‘Online Gamers Solve a Tricky AIDS Puzzle’ *Time Magazine* (19 September 2011)

<www.healthland.time.com/2011/09/19/online-gamers-solve-a-tricky-aids-puzzle/> accessed 28 May 2012

an internet platform gather such information, while others, in turn, verify or refute their claims. Again, this is a form of citizen journalism. Such platforms have been employed on many occasions to monitor elections around the world (see Case Study 7 below).

The most famous open source software company for information collection, visualization and interactive mapping is [Ushahidi](#). The organization's software has been used to monitor elections in Kenya in 2007, to report emergencies and bottlenecks after the Haiti earthquake in 2010, and to monitor human rights violations during the Libyan Crisis in 2011.

In Cambodia, the award-winning human rights portal "[Sithi](#)", hosted by CCHR, applies this method. The multitude of donors, NGOs and other grass roots organizations in Cambodia created a need for a central human rights online portal. The aim of the site is to create a central platform that gathers all documents, laws and information connected to human rights and democracy in Cambodia. Organizations and private individuals can contribute information, which is entered through an internet interface in each section of the portal. The contributions are subsequently checked by the CCHR staff and published online. There are more than 1,000 documents available on [Sithi](#), and the website received 350,573 hits as of May 2012.¹⁰⁶

In September 2011, [Sithi.org](#) won the 2011 [Information Society Innovation Fund](#) ("ISIF") Award, in the "Rights and Freedoms" Category. The award was granted in recognition of the role that the portal has played in advocating for social change and in promoting the civil and political rights of Cambodian citizens, by using ICT in innovative ways.¹⁰⁷

Adopting a similar model to [Sithi](#), [Urban Voice Cambodia](#) provides a map-based visualization of urban developments in Phnom Penh and allows anyone to contribute content. The site provides coverage of a wide variety of issues from the location of power outages and traffic jams to recently announced real estate developments. Furthermore, the site provides a vital platform for civic engagement by residents of Phnom Penh and those interested in the development of Cambodia's capital city.

Organizations in Cambodia have only recently begun to take advantage of citizens gathering information themselves, and there is still huge scope for organizations, particularly NGOs, to further utilize such crowd sourced information. A further example of a website that takes advantage of



Case Study 7: Election Monitoring in Uganda

www.Ugandawatch.org is a website that was initiated in 2011 by an NGO network in Uganda. The project focused on fair and free elections in Uganda, and the campaign was centered on a website that provided information on all kinds of potential rights abuses during the electoral campaign and the vote itself.

Citizens were asked to send a message via their mobile phone or via an internet page on anything unusual they noticed around the elections. The initiative then conducted further research into the incident and eventually marked the information as verified on their website. Citizens were asked to report any disturbances to voter registration, incidents of corruption, and constraints on freedom of speech or intimidation and violent acts. The campaign also received information from media and local activist groups. During the day of the election, [ugandawatch](#) also sent out a team of 6,200 staff to monitor the vote.

¹⁰⁶ Figure correct as at 30 May 2012

¹⁰⁷ CCHR, 'Sithi.org Wins an ISIF 2011 Award' (2 September 2011) cchrcambodia.org/admin/media/press_release/press_release/english/2011_09_02_Cover_ENG.pdf accessed 24 May 2012

information collated by individuals is [Saat Saam](#), also known as “Corruption-Free Cambodia”, which is a “*virtual library storing various corruption related information via images, videos, audios, diagrams, and blogs*”.¹⁰⁸ It aims to encourage public participation to alleviate corruption by attempting, among other things, to provide an open platform for public discussion via electronic mail. The website also includes a campaign for the public to give feedback on blog design, so that it can better serve the public. Similarly, [Women Web Portal](#), the first women’s internet portal in Cambodia, includes an online forum. There has been a large amount of user participation in areas of the economy, health, rape cases and health issues. Manavy Chim, Open Institute’s Executive Director, has said that “*[i]t is good that we provide women information they need, spaces and opportunities for women to break silence and speak out, to share with us what they think about themselves and their future, and what are their concerns*”. It is hoped that other NGOs and civil society organisations start to use such mass participation technology to utilize the opinions and enthusiasm of the public themselves.

¹⁰⁸Corruption-Free Cambodia (website) <<http://www.saatsaam.info/en/>>; see also Technology and Transparency Network, ‘*Saatsaam*’ (29 March 2010) <<http://transparency.globalvoicesonline.org/listing/saatsaam>>

5 Risks of using Media

In Cambodia, the laws on defamation, libel and disinformation have undermined freedom of expression, and there has been a worrying trend towards the imposition of greater restrictions. Recent efforts by the RGC to regulate the internet and, to a lesser extent mobile phone use, have caused concern among users; these are discussed further below. It remains to be seen if censorship, as widely applied to radio, television, and print media in Cambodia will be extended to the internet on the same scale.

5.1 Restrictions on Traditional Media

There have been many examples of restrictions being placed on traditional media by the RGC; it has brought criminal charges against newspaper publishers and editors who disseminate information deemed defamatory by the RGC and CPP, and journalists, opposition politicians and human rights defenders have faced physical harassment, as well as criminal charges and financial penalties for views expressed through traditional forms of media.¹⁰⁹

While the Press Law 1995 (the “Press Law”) provides in Article 20 that “*no person shall be arrested or subject to criminal charges as the result of the expression of opinions*”, the reality is that publishers, editors and journalists have been arrested and charged with defamation and/or disinformation for expressing views that the RGC deems to be critical of their conduct or policies.

The RGC has used criminal legislation to control the information made available to the public through the press. Prior to the enactment of the Penal Code of the Kingdom of Cambodia 2009 (the “Penal Code”), the RGC regularly used Articles 62 (disinformation) and 63 (defamation and libel) of the UN Transitional Authority in Cambodia (“UNTAC”) Criminal Code to bring criminal charges against journalists who had written articles that were critical of the RGC or a member of the political elite. In the case of *Mong Rethy & Ors v. Keo Sothea* in 2002, an editor of an opposition-affiliated newspaper was charged with defamation under Article 63 of the UNTAC Code, but successfully argued that the article had been superseded by Article 10 of the Press Law 1995 (the “Press Law”) (which sets out the civil offence of defamation). He therefore argued that he could only face *civil* defamation charges. However, this precedent has not been followed in subsequent cases, with the most recent example being the case of Hang Chakra, the publisher of the opposition-aligned *Khmer Machas Srok* newspaper. He was arrested on 26 June 2009 after his newspaper published a series of articles accusing several of Deputy Prime Minister Sok An's aides of corruption.¹¹⁰ After Hang Chakra refused to name his sources – a refusal permitted under Article 2 of the Press Law – he was convicted of disinformation under Article 62 of the UNTAC Criminal Code and was subsequently sentenced to a

¹⁰⁹CCHR and others, ‘*Cambodia gagged: Democracy at Risk?*’ (September 2010); see also LICADHO, ‘*Freedom of Expression in Cambodia: The illusion of Democracy*’ (December 2010) <www.licadho-cambodia.org/reports/files/148LICADHOIllusionDemocracy2010.pdf>

¹¹⁰Reporters Without Borders, ‘*Cambodia: Prime Minister, You Promised That No More Journalists Would Go To Prison*’ (February 2010) 3 <www.rsf.org/IMG/pdf/Report_Cambodia_RSf.pdf> accessed 28 May 2012

year in prison and ordered to pay a fine of 9,000,000 riel (US\$2,250).¹¹¹ Following Hang Chakra's release from prison in 2011, *Khmer Machas Srok* announced that they were restarting operations.¹¹²

The new Penal Code retains and extends the offence of defamation and also includes numerous new offences that criminalize expressions of opinion such as insult and discrediting judicial decisions.¹¹³ This move to include greater restrictions on freedom of expression has been roundly condemned by CSOs.¹¹⁴

5.2 Prosecutions for use of New Media

Given the RGC's track record for punishing expressions of opinion through traditional media it is likely that, at some point, the RGC will seek to prosecute individuals for expressing views online. It remains unclear under which provisions of which laws such prosecutions would likely be filed. Under the Penal Code, the offense of disinformation has been removed and it is expressly stated that defamation involving the "media" should be dealt with under the civil provisions under the Press Law. However, as the Press Law only regulates print media, and applies to neither broadcast nor online journalism,¹¹⁵ there is confusion as to whether "new media" falls under the scope of the Press Law.

To date, there have been no prosecutions for the expression of views online. The 2010 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 however that the RGC is ready to punish those who use the internet to share views contrary to those of the RGC. Kunnaka was arrested on 17 December 2010 by the Russei Keo district police and accused of sharing with co-workers leaflets he had printed from KI-Media. Barely two days later, on a Sunday, a day on which the courts in Cambodia are closed, 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 one million riel (approximately US\$246).¹¹⁶

While the case of Seng Kunnaka remains unique in Cambodia, it seems likely that, in time, as the RGC becomes more familiar with the technology associated with new media, cases of intimidation and prosecution will increase as a way of trying to stop such media being used to criticize the RGC. In relation to Facebook, the fact that it is an externally owned and operated website means that it may prove difficult to control. Moreover, tracking down Facebook users is also difficult, as many profile owners go to great lengths to conceal their identities: "*This lack of control means that Facebook has*

¹¹¹ Reporters Without Borders, '*Cambodia: Prime Minister, You Promised That No More Journalists Would Go To Prison*' (February 2010) 3 <www.rsf.org/IMG/pdf/Report_Cambodia_RSf.pdf> accessed 28 May 2012

¹¹² 'Opposition paper back in print' *The Phnom Penh Post* (Phnom Penh, 22 March 2011)

¹¹³ The provisions are; defamation (Article 305 Penal Code 2009), public insult (Article 307), slanderous denunciation (Article 311), incitement – leading to or not leading to a crime (Article 495), incitement to discrimination (Article 496), contempt (Article 502), public comment to influence (Article 522), discrediting a judicial decision (Article 523) and false denunciation to judicial authorities (Article 524).

¹¹⁴ Southeast Asian Press Alliance, '*New penal code a threat to free expression, say critics*' (16 October 2009) <http://www.ifex.org/cambodia/2009/10/16/new_penal_code/> accessed 30 May 2012

¹¹⁵ LICADHO, '*Reading between the lines: How Politics, Money and Fear control Cambodia's Media*' (May 2008) 9

¹¹⁶ International Federation of Human Rights, '*Cambodia: Assault on Freedom of Expression continues with conviction of UN staff*' (23 December 2010) <<http://www.fidh.org/Cambodia-Assault-on-freedom-of-expression>> accessed 28 May 2012

become something of an equal playing field for politicians from opposite ends of the spectrum”.¹¹⁷ Mu Sochua has said that Facebook “gives people more room to express their opinions and to receive more diverse views”.¹¹⁸ As a result, she says, she is “convinced that it will be a challenge to the government to control opposition”.¹¹⁹ However, Derek Phatry Pan, co-founder of www.khmerican.com, has said that he thinks “the future will see the trend [of comments being made online] strengthen leading to wider forms and efforts to censor independent press and online dissenters”.¹²⁰

5.3 Censorship of New Media

For many years, internet and mobile phone use in Cambodia was largely unrestricted. 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.¹²¹ However, more recently, the RGC has made several attempts to restrict the use of new media, in particularly the internet by asking ISPs to block specific websites. We set out some of the more high profile examples below.

In 2007, the elections supervision NGO COMFREL sent SMS messages to people throughout the country reminding them to vote. In response, the RGC blocked all SMS service in Cambodia for the day of the elections (see Section 4.1).¹²²

Towards the end of January 2009 access to Khmer-American artist Koke Lor’s website was blocked by the RGC.¹²³ His controversial artwork depicting semi-naked Apsaras – female Cambodian folk figures – so angered the Ministry of Women’s Affairs that Cambodian access to his website was blocked.¹²⁴ So Khun, Minister of Post and Telecommunications, confirmed at the time that he had sent a letter to the relevant ISPs, asking them to block access to the website, but claimed that he did not know whether his letter had been acted upon.¹²⁵

A week later, access to the website of the UK-based corruption watchdog [Global Witness](http://www.globalwitness.org) was also blocked for some internet users following the organization’s release of a scathing report – [Country for Sale](#) – which explored Cambodia’s oil and mining industries.¹²⁶ Representatives of the ISP

¹¹⁷ ‘Searching for a Public Voice, Politicians Sign Up to Facebook’ *The Cambodia Daily* (Phnom Penh, 18 October 2011)

¹¹⁸ ‘Searching for a Public Voice, Politicians Sign Up to Facebook’ *The Cambodia Daily* (Phnom Penh, 18 October 2011)

¹¹⁹ ‘Searching for a Public Voice, Politicians Sign Up to Facebook’ *The Cambodia Daily* (Phnom Penh, 18 October 2011)

¹²⁰ ‘Searching for a Public Voice, Politicians Sign Up to Facebook’ *The Cambodia Daily* (Phnom Penh, 18 October 2011)

¹²¹ For information on some of the internet censorship and regulatory regimes in countries in South-East Asia, see ‘Silence of the dissenters: How South-East Asia keeps web users in line’ *The Guardian* (London, 21 October 2010) <www.guardian.co.uk/technology/2010/oct/21/internet-web-censorship-asia> accessed 28 May 2012

¹²² COMFREL, ‘Final Assessment and Report on 2007 Commune Council Elections’ (23 August 2007)

¹²³ ‘Government moves raise censorship concerns’ *The Phnom Penh Post* (Phnom Penh, 3 March 2009); see also N Klein, ‘Censorship: Thousands of Crude Porn Sites Accessible on Internet – One Khmer Artist Blocked’ *The Mirror* (Phnom Penh, 2 February 2009)

¹²⁴ ‘Reahu breaks silence’ *The Phnom Penh Post* (Phnom Penh, 3 March 2009)

¹²⁵ ‘Government axes Internet monopoly plan’ *The Phnom Penh Post* (Phnom Penh, 13 April 2010)

¹²⁶ ‘NGO site barred by local ISP’ *The Phnom Penh Post* (Phnom Penh, 10 February 2009)

AngkorNet confirmed that Global Witness’s website was blocked to AngkorNet customers, but did not provide further details as to the reasons for the restricted access.¹²⁷

On 3 February 2010, *The Phnom Penh Post* reported plans by the RGC’s “Government Morality Committee” to begin holding bi-monthly meetings to review websites which feature racy images of Cambodian women, and to consider blocking access to those deemed to be in conflict with national values.¹²⁸ Ros Sorakha, an undersecretary of state at the MOPT, stated that the increased monitoring of online content was necessary in light of the rapid spread of information and communications technology nationwide.

On 16 December 2010, the Chairman of the Cambodia-Vietnam Joint Border Commission, Var Kim Hong, told RFA that the RGC would shut down the online news blog KI-Media by 31 December 2010.¹²⁹

On 19 January 2011, BlogSpot sites in Cambodia were blocked following an order from the Ministry of Interior (“MOI”) to all Cambodian ISPs.¹³⁰

For weeks, users of EZECOM, one of the growing number of ISPs in Cambodia, complained that they were unable to access a number of sites, including KI-Media. On 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.¹³¹ 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 by all ISPs except Metfone.

In early February 2011, Cambodia experienced a new wave of outages, affecting KI-Media, Khmerization, and the blog of Cambodian political cartoonist Sacrava, as well as five other websites. The ISPs affected included Online, WiCam, Metfone and EZECOM. On 15 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*”.¹³² This announcement was deleted shortly after, and replaced by a neutral disclaimer.¹³³ An unnamed WiCam employee told the



Figure 7: Screenshot of Message to Wicam outlining block of KI media by order of the MPTC, 15th February 2011

¹²⁷ ‘NGO site barred by local ISP’ *The Phnom Penh Post* (Phnom Penh, 10 February 2009)

¹²⁸ ‘Cambodian Government Panel to target racy images’ *The Phnom Penh Post* (Phnom Penh, 3 February 2010)

¹²⁹ LICADHO, ‘LICADHO Condemns Censorship of Web Sites Critical of Government’ (16 February 2010)

<www.licadho-cambodia.org/press/files/238LICADHOPRInternetCensorship2011.pdf> accessed 28 May 2012

¹³⁰ Global Voices, ‘Blogspot sites blocked in Cambodia’ (20 January 2011)

<globalvoicesonline.org/2011/01/20/blogspot-sites-blocked-in-cambodia/>

¹³¹ ‘Government axes Internet monopoly plan’ *The Phnom Penh Post* (Phnom Penh, 13 April 2010)

¹³² ‘Opposition site blocked’ *The Phnom Penh Post* (Phnom Penh, 15 February 2011)

¹³³ ‘Ministry denies blocking website’ *The Phnom Penh Post* (Phnom Penh, 16 February 2011)

newspaper that the ministry had ordered the company to block KI-Media because it “*impacts the government*”.¹³⁴

The Phnom Penh Post reported on 15 February 2011 that So Khun, Minister of Post and Telecommunications, presided over a meeting on 10 February 2011 during which he asked mobile phone operators to “co-operate” in blocking certain internet sites “*that affect Khmer morality and tradition and the government*”.¹³⁵

On 16 February 2011, *The Phnom Penh Post* revealed a leaked e-mail from a senior official at the MOPT¹³⁶ congratulating ten ISPs, including EZECOM, for blocking

access to a list of websites, including BlogSpot sites, KI-Media, Khmerization and Sacrava. 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 steps to block access to critical sites. The e-mail, which was electronically signed by Sieng Sithy, Deputy Director of the MOPT’s policy regulation, addressed service providers WiCam, Telesurf and Hello as follows: “*We found that you [have] not yet taken [any] action, so please kindly take immediate action ... Again and again, In case of not well cooperation is your own responsibility [sic].*”¹³⁷ The block was confirmed by ISPs such as Cellcard, Metfone and EZECOM.

The move to block these websites shows a recent extension of the RGC’s censorship of the internet, namely a concerted effort on the part of the RGC to control online content in much the same manner as it controls traditional media.¹³⁸ It also suggests 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.

5.4 State-run Internet Hub

In the examples set out in the previous section, the RGC did not execute the block of the websites directly; instead they issued an order to ISPs to block them. The RGC has never confirmed being responsible for these blockages and has tried to disguise its involvement in these attempts to restrict

ERROR

The requested URL could not be retrieved

While trying to retrieve the URL: <http://ki-media.blogspot.com/>

The following error was encountered:

- Connection to Failed

The system returned:

[No Error]

The remote host or network may be down. Please try the request again.

Your cache administrator is support@wicam.com.kh.

Generated Tue, 15 Feb 2011 08:39:12 GMT by cache.wicam.com.kh (squid)

Figure 8: Screenshot of new message to Wicam users on 15th February 2011 without mention of order of the MPTC

¹³⁴ ‘Opposition site blocked’ *The Phnom Penh Post* (Phnom Penh, 15 February 2011)

¹³⁵ ‘Ministry denies blocking website’ *The Phnom Penh Post* (Phnom Penh, 16 February 2011)

¹³⁶ ‘Tangled Web Revealed’ *The Phnom Penh Post* (Phnom Penh, 17 February 2011)

¹³⁷ ‘Tangled Web Revealed’ *The Phnom Penh Post* (Phnom Penh, 17 February 2011)

¹³⁸ CCHR, ‘CCHR condemns government attempt to thwart online activism’ (15 February 2011)

www.cchrcambodia.org/index.php?url=media/media.php&p=press_detail.php&prid=148&id=5 accessed 28 May 2012

online freedom. There have been reports, however, that the RGC is looking to exert more control over the internet in particular, by introducing a 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 center [sic] of Cambodian Telecommunication”*.¹³⁹ An internet exchange point such as that described in the parkas plays a vital role in enabling the flow of information on the internet by routing traffic between separate ISPs. In effect, these kinds of systems allow users with one ISP to access content hosted by another provider. The prakas directed that the Ministry would require companies to route domestic traffic through a mandatory hub, with Telecom Cambodia (“TC”), a state-owned telecommunications company, acting as the “central filter” for this internet traffic.¹⁴⁰ This would effectively have meant that all internet traffic was routed through this state-owned corporation, such that internet use would have become more easily monitored and restricted.

On 23 February 2010, a 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 domestic and international internet exchange. 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.”*¹⁴¹ However, officials from ISPs operating in Cambodia warned that the transfer could cripple Cambodia’s ICT industry by increasing costs, and several complained 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 internet exchange point.¹⁴²

On 13 April 2010, *The Phnom Penh Post* reported that the RGC had shelved its plans to create the internet exchange.¹⁴³ According to the MOPT, the proposal was no longer being considered as of April 2010, although it was reported that new licensing requirements might be developed in the future.¹⁴⁴

On 2 February 2011, the MOPT issued a draft prakas governing internet exchange points which would provide for their registration.¹⁴⁵ The draft parkas includes a number of other stipulations, including efforts to ensure that licensed internet exchange points follow the rules and regulations of Cambodia, for example: *“don’t let it include pornographic content or broadcast illegal gambling ... as well as [breaking] other rules of Cambodia [sic]”*.

5.5 The future of censorship?

In a recent development, the RGC has announced that it has begun to draft Cambodia’s first cyber law.¹⁴⁶ Ek Tha, spokesman for the Press and Quick Reaction Unit, has stated that given the

¹³⁹ ‘State-run Web hub would filter sites’ *The Phnom Penh Post* (Phnom Penh, 24 February 2010)

¹⁴⁰ ‘State-run Web hub would filter sites’ *The Phnom Penh Post* (Phnom Penh, 24 February 2010)

¹⁴¹ ‘Govt axes Internet monopoly plan’ *The Phnom Penh Post* (Phnom Penh, 13 April 2010)

¹⁴² ‘Govt axes Internet monopoly plan’ *The Phnom Penh Post* (Phnom Penh, 13 April 2010)

¹⁴³ ‘Govt axes Internet monopoly plan’ *The Phnom Penh Post* (Phnom Penh, 13 April 2010)

¹⁴⁴ ‘Govt axes Internet monopoly plan’ *The Phnom Penh Post* (Phnom Penh, 13 April 2010)

¹⁴⁵ ‘Internet hub prakas revealed’ *The Phnom Penh Post* (Phnom Penh, 3 February 2011)

¹⁴⁶ ‘The ‘ill-willed’ spark cyber law: officials’ *The Phnom Penh Post* (Phnom Penh, 24 May 2012)

“mushrooming of modern technology like Twitter and Youtube”¹⁴⁷ the RGC needs such a law in order to “prevent any ill-willed people or bad mood people [sic] from spreading false information, groundless information... that could affect national security or our society”.¹⁴⁸ However, rights groups have expressed concerns that the cyber law will be utilized to censor websites that are deemed to be critical of the RGC or the ruling CPP and prosecute those that maintain these websites, in a model similar to that currently being employed in Thailand.¹⁴⁹

However, despite the RGC’s recent announcement that they are drafting a cyber law, it seems highly unlikely that they will be able to unilaterally censor the internet and mobile phones, primarily due to a lack of the financial and human resources that are needed in order to do so. Furthermore, as Cambodian citizens become more technologically aware, many users will be able to find a way of accessing restricted sites through the use of proxy servers. The creation by KI-Media of [a mirror site on Wordpress](#) to allow users to overcome blocks by ISP providers of BlogSpot sites is an example of the strategies that can be enacted to circumvent bans on sites and content that the RGC seeks to suppress.

The recent moves by the RGC to restrict internet and mobile phone use in Cambodia, as outlined above, indicate a desire within government to control new media – particularly the internet. It is hoped however that, as internet penetration in Cambodia is still very low, the RGC will refrain from imposing further restrictions on the internet and spending its limited resources on censoring online content and debate. Similarly, it is hoped that the RGC will refrain from steps aimed at preventing the use of mobile phones as a medium to communicate important civic and political messages.

¹⁴⁷The ‘ill-willed’ spark cyber law: officials’ *The Phnom Penh Post* (Phnom Penh, 24 May 2012)

¹⁴⁸The ‘ill-willed’ spark cyber law: officials’ *The Phnom Penh Post* (Phnom Penh, 24 May 2012)

¹⁴⁹The ‘ill-willed’ spark cyber law: officials’ *The Phnom Penh Post* (Phnom Penh, 24 May 2012)

6 Recommendations

New media can be used to strengthen democracy and promote respect for human rights, as people have the opportunity to build an informed opinion on the development of their society and political environment. On the whole, digital activity increases with the growing number of connections. This has certainly been seen in Cambodia, where there has been a huge increase in online and mobile activity in recent years, although there is still only a small proportion of the country with access to the internet, and this is mainly concentrated in the city of Phnom Penh.

Blogs represent the most sizeable aspect of social and political activity online in the Kingdom, as young Cambodians use them with great creativity and enthusiasm to express themselves and to discuss issues online. News Blogs, especially KI-Media, are also well known among Cambodian internet users, and are effective platforms to spread information that is generally not disseminated through government controlled or aligned media outlets. Social media – particularly websites such as Facebook and Twitter – are also quickly becoming an integral communication tool, not only for NGOs and activists as a means to promote human rights and other ideas, but also for government officials to communicate and share information with the Cambodian people.

Human rights organizations in Cambodia are aware of the potential of the internet for their daily work. However, few, if any, organizations appear to be fully taking advantage of the full range of new media, and many potential resources are not widely used in Cambodia, particularly mobile phones. Although the necessary software is free and available online, skilled IT professionals – who are still lacking in Cambodia – are also needed to operate and maintain the necessary infrastructure.

Some people have commented that a critical mass of people with access to new media is required in order for it to have any impact. However, we consider that where human rights are concerned it is more important that there is a connection between the ‘online’ community and ‘offline’ events such as protests, marches and public forums. Initiatives to widen democratic space should not be limited to internet-based platforms, but should include traditional media, such as radio, and deploying multi-media approaches to content development, distribution and exchange.¹⁵⁰

This Report has shown the variety of developments in relation to new media in Cambodia, and highlighted the obstacles to achieving truly uncensored access to it. The legal situation with regards to internet content in particular remains vague and the RGC has shown a willingness to impose restrictions on content that conflict with the right to freedom of expression in Cambodian and international law. ISPs have come under significant pressure from officials, who have ordered them to block specific websites, with a number of ISPs complying with these orders. However, ISPs should be careful not to bow to such pressure in the future and should consider the consequences that such actions may have on their business. For example, if ISPs block sites that their customers wish to access, they may find that these customers will decide to switch to a competitor who does not restrict access to such sites. Such a scenario is extremely likely given the vast number of ISPs that

¹⁵⁰United Nations Development Programme Asia Pacific Regional Centre, ‘e-Discussion on Social Media and Democratic Space in the Asia Pacific’ (21 October to 18 November)

operate in Cambodia at the present time and given that certain ISPs have already shown their willingness to ignore government orders to block certain websites.

CCHR provides the following recommendations to the RGC, NGOs and internet intermediaries (actors that bring together or facilitate transactions between third parties on the internet)¹⁵¹ as to the steps they should take to increase access to the internet and promote its use throughout Cambodia.

RGC

1. Honor the guarantee of freedom of expression – contained in Cambodian and international law – by ensuring that internet filters are not introduced and censorship of critical websites is not allowed.
2. Create a clear legal framework that protects and promotes freedom of expression on the internet. Existing laws that criminalize freedom of speech in the media in general, and particularly online media, should be amended or annulled. Limitations on internet content should only be introduced in accordance with international human rights standards.
3. Refrain from pursuing criminal actions against actors who express views that may be construed as being critical of the RGC or ruling CPP's policies or conduct.
4. Facilitate internet access for all Cambodians, and develop policies to ensure that the infrastructure for a wider distribution of internet access can be established.
5. Actively contribute to reducing the price of internet connections.
6. Implement policies that allow all children in Cambodia to learn how to use a computer, and establish sites for public access to the internet.
7. Embrace freedom of information online by taking advantage of the online possibilities that exist to increase transparency and accountability of the RGC's actions, and publish official information online.

Internet intermediaries

1. Do not support or assist internet censorship.
2. Resist government attempts to limit the human rights of internet users, and to block "controversial sites".
3. Contribute to the creation of more opportunities for Cambodians to acquire the skills needed to access the internet.
4. Invest in the provision of online connections in public institutions like schools, universities and community centers.

¹⁵¹Organisation for Economic Co-operation and Development, 'The Economic and Social Role of Internet Intermediaries' (April 2010) 9 <<http://www.oecd.org/dataoecd/49/4/44949023.pdf>> accessed 28 May 2012

NGOs and Donors

1. Closely observe potential crackdowns on internet freedom, and maintain a strong public position on online freedom of expression and freedom of information.
2. Create more opportunities for Cambodians, especially those coming from rural and disadvantaged backgrounds, to learn computer skills and to access the internet.
3. Train people to take advantage of online advocacy and monitoring tools in order to fight human rights violations.
4. Take advantage of emerging forms of new media to connect people virtually.
5. Take into consideration the advantages of the wide spread distribution of mobile phones in order to strengthen human rights monitoring.
6. Pay attention to the topic of media literacy when conducting programs and projects related to media.
7. Embrace and use new media to promote and protect human rights and democracy in Cambodia.

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