NGOs Urge Cambodia to Scrap Decree on Internet Controls Citing Impact on Online Rights

Dozens of local and international nongovernmental organizations on Thursday urged Cambodia’s government to scrap a decree on establishing a National Internet Gateway (NIG) that can control and monitor online activity in the country, saying it would annihilate freedom of expression online.

On Tuesday, Prime Minister Hun Sen signed an order to launch a National Internet Gateway—similar to China’s complex network of blocks, filters, and human censorship known as the Great Firewall—which would regulate all online traffic in the interest of “protecting national security and maintaining social order.”

The gateway will provide authorities with “measures to prevent and disconnect all network connections that affect national income, security, social order, morality, culture, traditions and customs,” the decree said.

Internet service providers will be given a year to connect to the gateway, or else face suspension of their operating licenses and the freezing of bank accounts,
although no date was announced for its launch. Users will be required to provide their true identities, according to the decree.

On Thursday, 45 NGOs called on Cambodia’s government to do away with the decree, which they said would “detrimentally impact human rights online in Cambodia.”

“The NIG Sub-Decree facilitates monitoring and surveillance of internet activity, empowers the interception and censorship of digital communications, and enables the collection, retention and sharing of personal data, thus fundamentally threatening the rights to privacy, freedom of expression and information,” the NGOs said in a joint statement.

“The NIG aims to place all international internet traffic under a single authority, enabling the government to more efficiently and effectively cut the country off from the international internet.”

The NGOs also raised an alarm over the practical feasibility of infrastructure required by the NIG, saying it is likely to “cause a significant reduction in internet speeds” and lead to a detrimental impact on the country’s economy by deterring technology firms from investing in the Cambodian market.

They listed three main concerns with the proposal: surveillance with a lack of sufficient oversight, broad provisions for censorship, and “vague catchall provisions” on what constitutes data privacy.

“In recent years, Cambodia’s domestic legal framework has granted increasingly intrusive powers to the RGC to control online activities and restrict civic space online,” the statement said. It pointed to other overly broad and similarly restrictive legislation such as the draft Law on Cybercrime, the Law on Telecommunications, and the 2018 Inter-Ministerial Prakas on Publication Controls of Website and Social Media Processing via Internet.

“We therefore call on the [government] to immediately discard the NIG Sub-Decree, in line with Cambodia’s obligations under the Constitution and international human rights law, ensuring the rights to freedom of expression and information, and the right to privacy of all individuals in Cambodia is protected,” it said.

‘Missing tool for online repression’

The 45 NGOs were joined by New York-based Human Rights Watch (HRW), which raised similar concerns over how the NIG would enable the government to increase online surveillance, censorship, and control it said will “seriously infringe on rights to free expression and privacy.”
In a separate statement, HRW called the move “both overbroad and not defined, permitting arbitrary and abusive application of blocking and disconnecting powers.”

“Prime Minister Hun Sen struck a dangerous blow against internet freedom and e-commerce in Cambodia by expanding the government’s control over the country’s internet,” said Phil Robertson, deputy Asia director at HRW.

“Foreign governments, tech companies, e-commerce businesses, and other private actors should urgently call on the government to reverse the adoption of this harmful sub-decree.”

HRW suggested the NIG would have “a chilling effect” on online communications and lead to self-censorship online among government critics and the independent media.

“Cambodia’s National Internet Gateway is the missing tool in the government’s toolbox for online repression,” Robertson said.

“It’s no coincidence that after shutting down critical media across the country, the Hun Sen government has now turned its attention to online critics, just in time for the nationally organized commune elections due in 2022.”

Cambodia’s Supreme Court dissolved the CNRP in November 2017, two months after the arrest of its leader Kem Sokha for his role in an alleged scheme to topple the government of Hun Sen. The ban, along with a wider crackdown on NGO’s and the independent media, paved the way for Hun Sen’s ruling Cambodian People’s Party (CPP) to win all 125 seats in the country’s 2018 general election.

HRW slammed the decree for failing to provide any independent oversight, due process, or procedural safeguards, which it said denies those affected the right to appeal decisions made by the government before an independent body, because of the widely held view that Cambodia’s courts are beholden to Hun Sen and the CPP.

“Cambodia’s new National Internet Gateway will amplify the government’s ability to block online content and subject independent voices—including media outlets, the political opposition, and civil society groups—to politically motivated restrictions,” Robertson said.

Attempts by RFA’s Khmer Service to contact government spokesperson Phay Siphan for comment on Thursday’s statements went unanswered.

Details: https://www.rfa.org/english/news/cambodia/decree-02182021181626.html?fbclid=IwAR3UKe_z8njgOHAMVlHJ1_ZqXuqhOrYT23lBz52VfKCmaX3X8ibdZhqndcQ