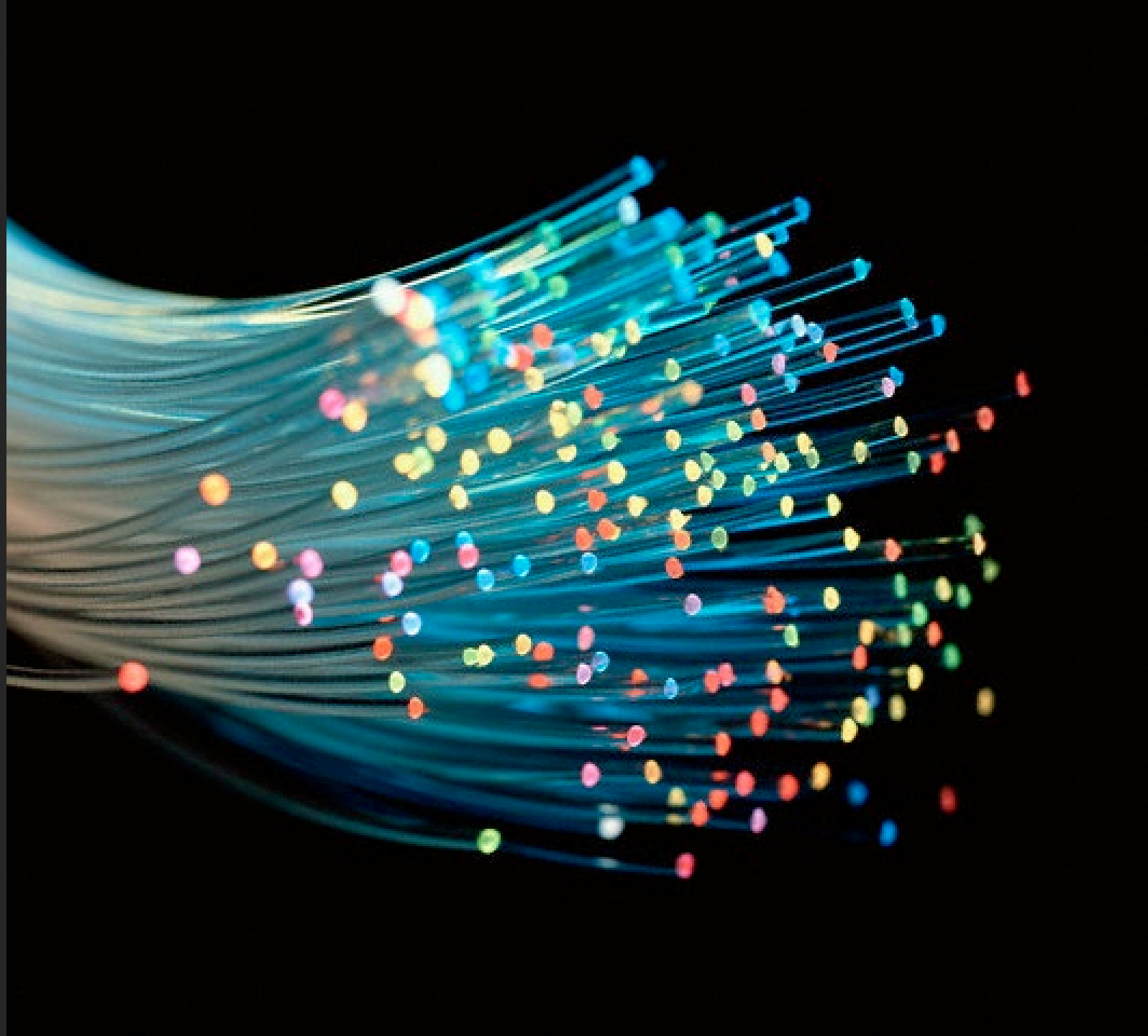


Digital Human Rights in Cambodia:

Strengthening Human Rights —

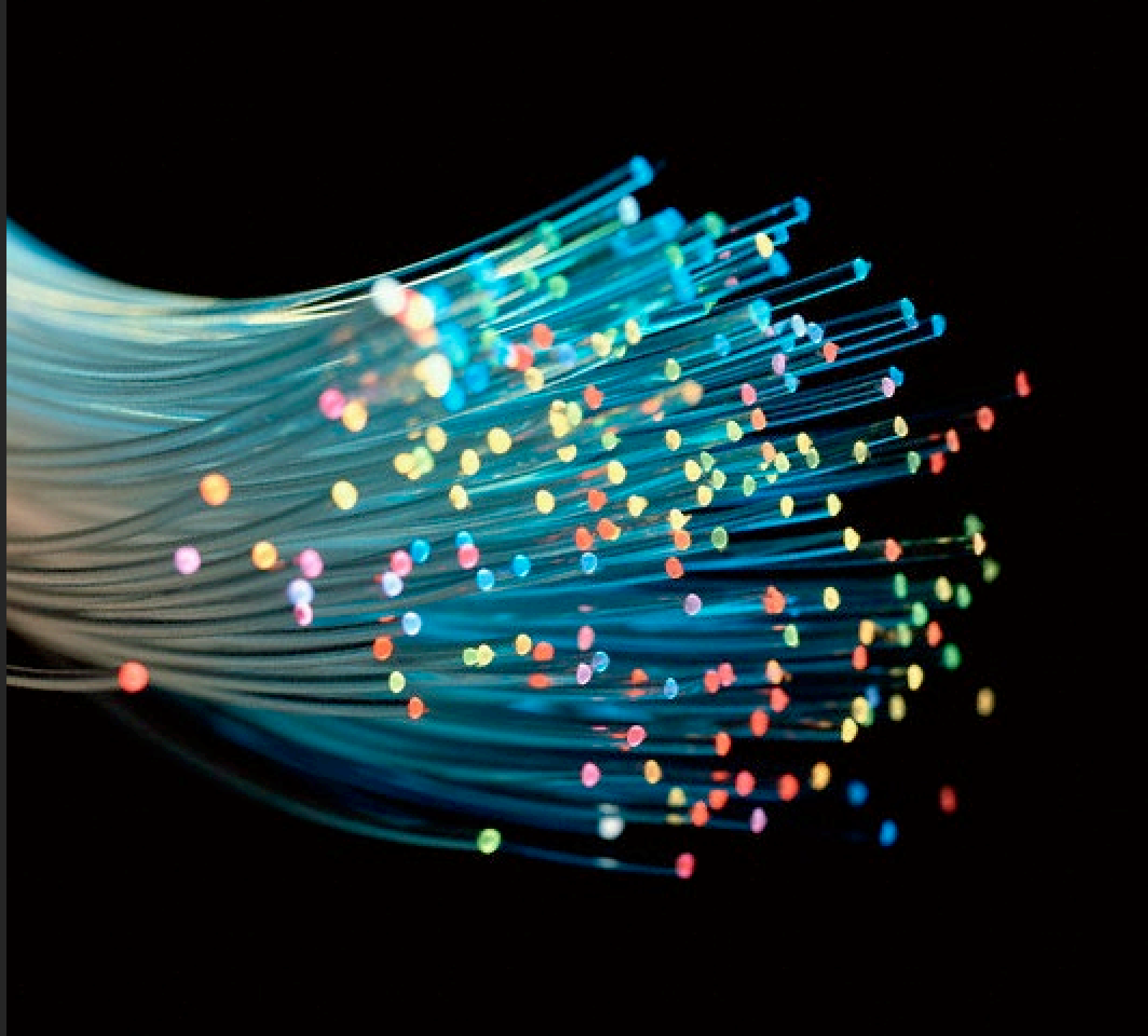
On, With, and Through the
Internet

1. Sources
2. Rights
3. Discussion
4. Ideas



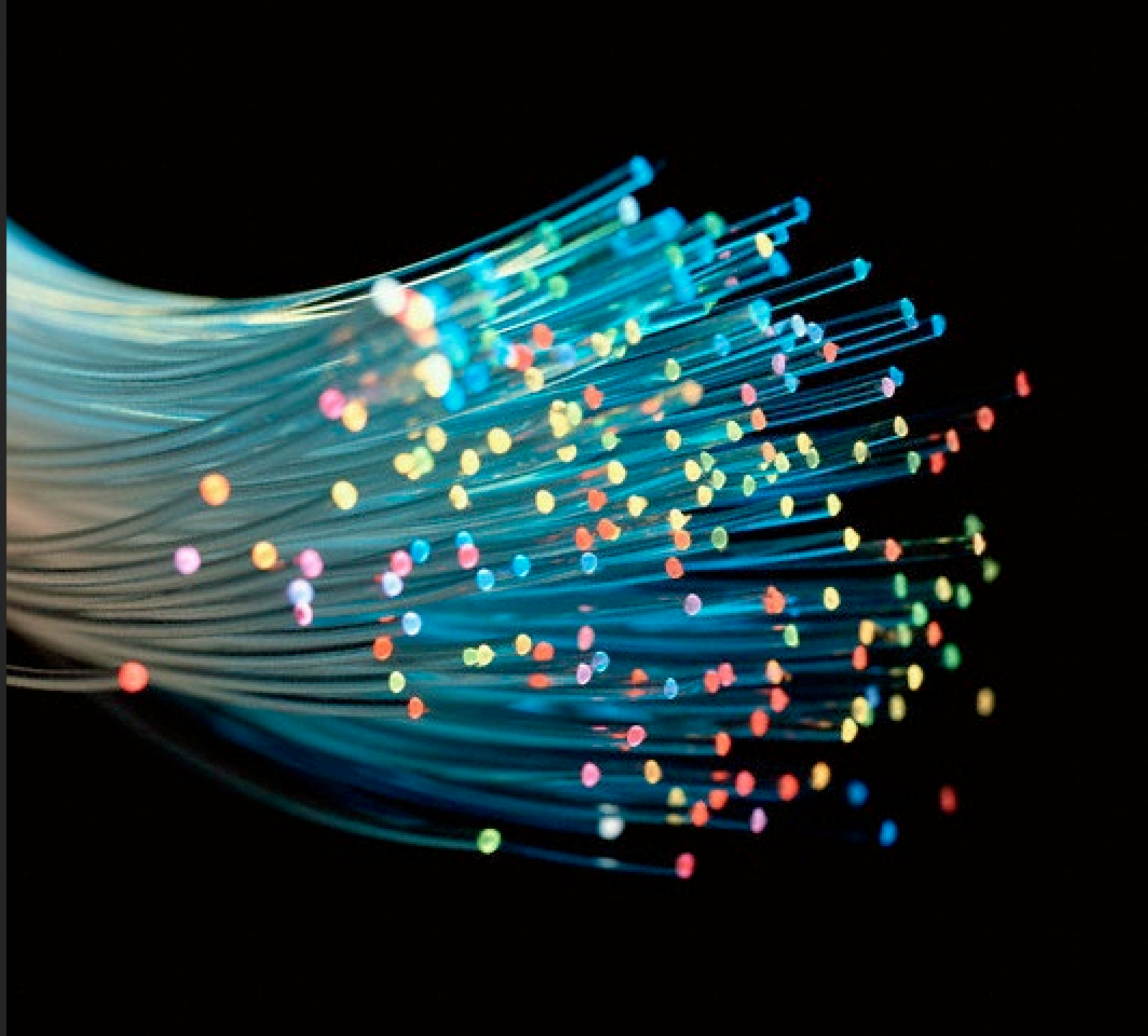
Poll:

- Gen Z, Gen Y, or N/A?
 - Age of digital access?
 - Age of digital literacy?
 - Formal education in software/cyber/data?
 - Occupation?
-



What is a right?

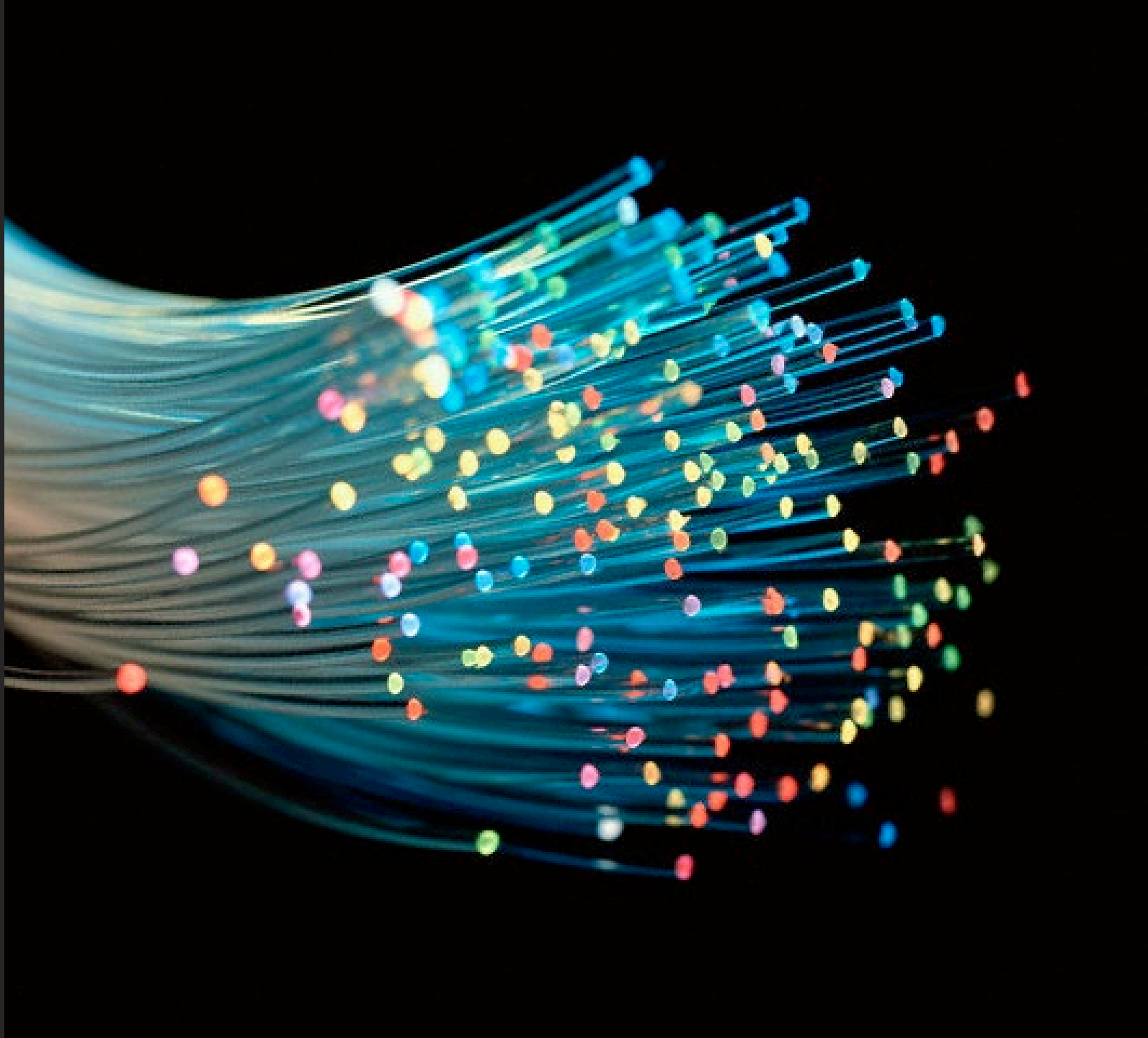
What are human rights?



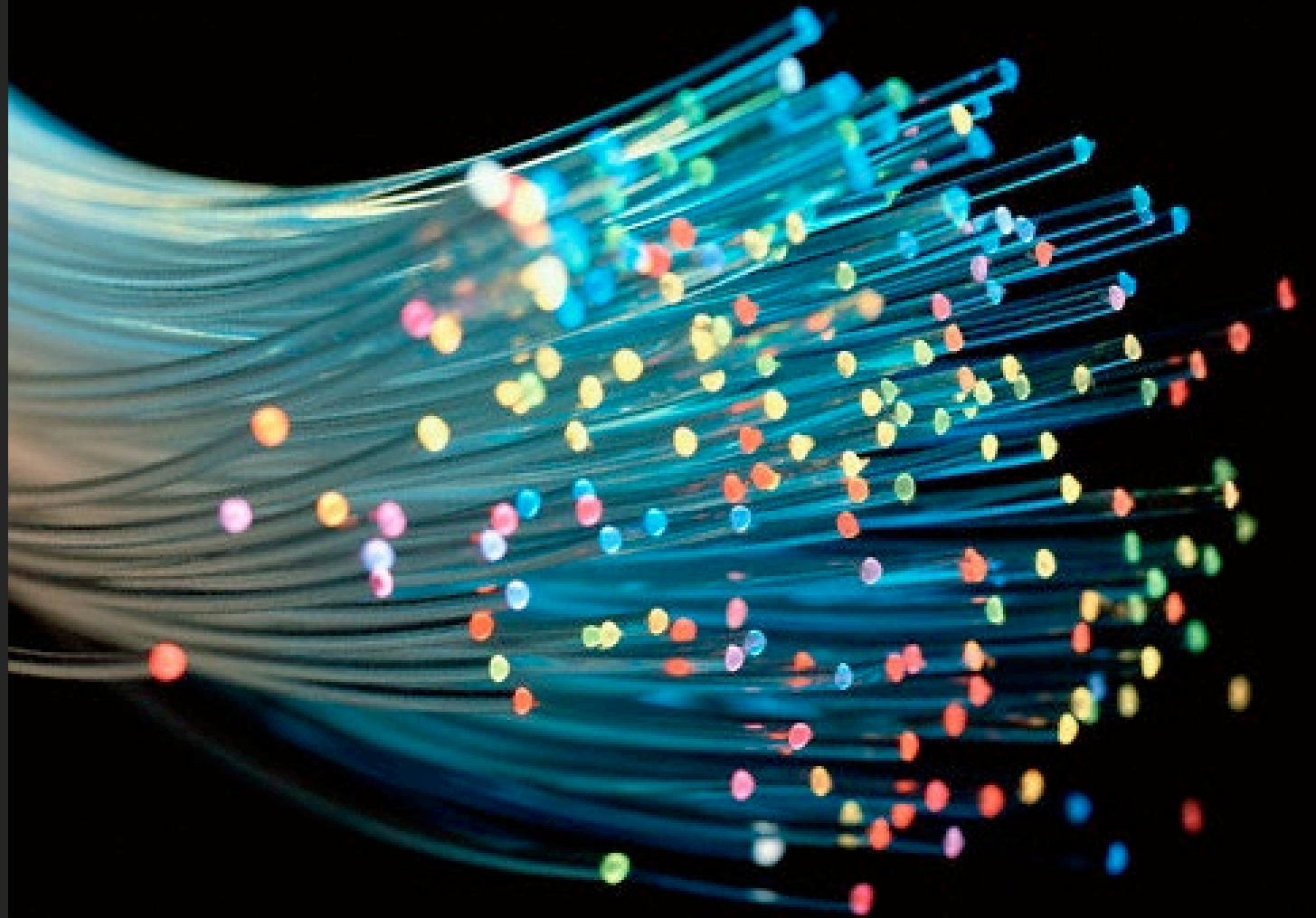
How are human rights weakened?

How are they protected or strengthened?

By whom?



How do human rights exist in
relation to the internet?



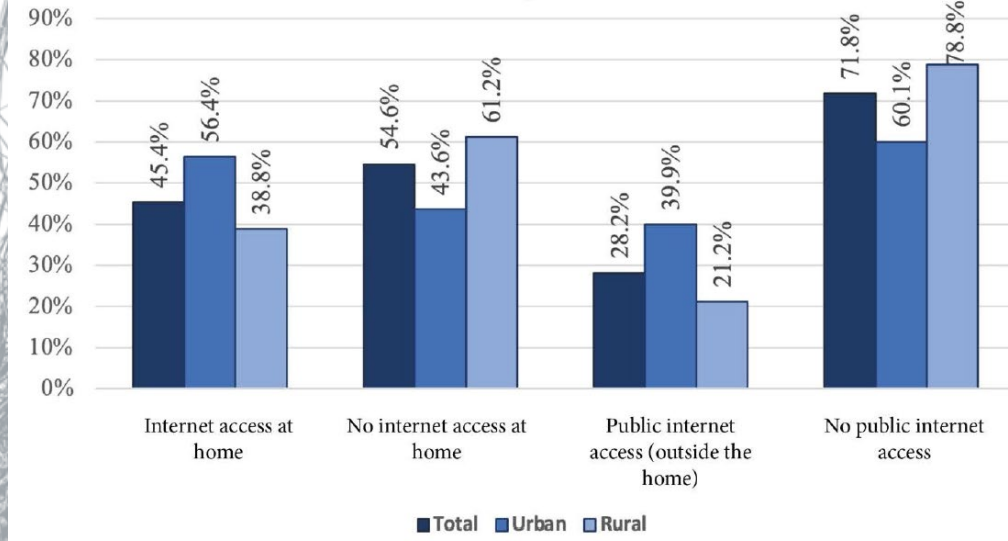
Statistics: Internet Use

General Population Census of the Kingdom of Cambodia, 2019

38. Percentage of households by accessibility to internet facility and urban, rural

Accessibility to internet	Total	Urban	Rural
No Access	50.0	37.3	57.5
Accessed internet	50.0	62.7	42.5
Accessed at home	45.4	56.4	38.8
Accessed outside home	28.2	39.9	21.2
Accessed at home and outside home	23.6	33.7	17.6

Figure 10.3.6 Percentage distribution of households by type of internet access and area, Cambodia, 2019



Jan. 26, 2022 Datareportal / wearesocial / Kepios Aggregation (citing GWI Q3 2021)

Percentage of Internet Users as a Percent of the Total Population:

Southeast Asia: 72%

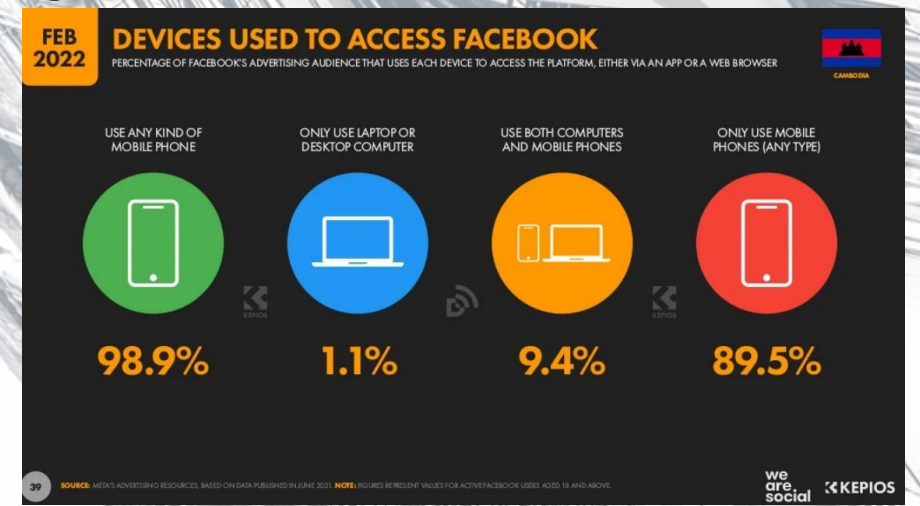
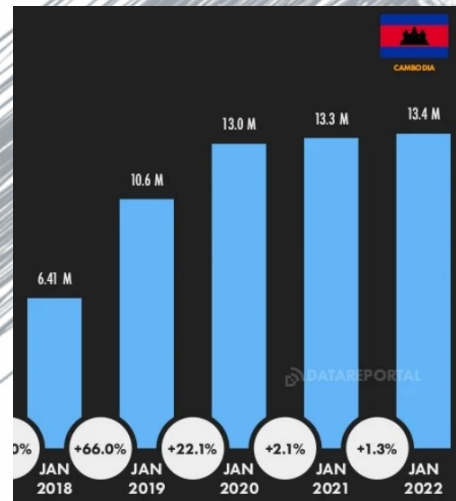
Oceania: 73%

Eastern Asia: 73%

Cambodia: 79%

North America: 92%

Western Europe: 94%



What are Human Rights?

Merriam-Webster definition of a right:
"a claim recognized and delimited by law"

Human Rights: "derive from the dignity and worth inherent in the human person."

Preamble, Vienna Declaration and Program of Action (25 June, 1993)

Equal and indiscriminate application

Constitution of the Kingdom of Cambodia, art. 31 (transl. Oum Sarit, Jorg Menzel et al. 2008).

Inalienable

Universal Declaration of Human Rights, Preamble (Dec. 10, 1948)

Require balancing between individuals and between different types of rights

Constitution of the Kingdom of Cambodia, art. 31 (transl. Oum Sarit, Jorg Menzel et al. 2008).

Sources:

Constitution of Cambodia,
Laws of Cambodia,
International treaty,
Customary international law,
Natural law

Why Human Rights?

Most texts reference recent armed conflicts

Come from rule of law, but also support rule of law

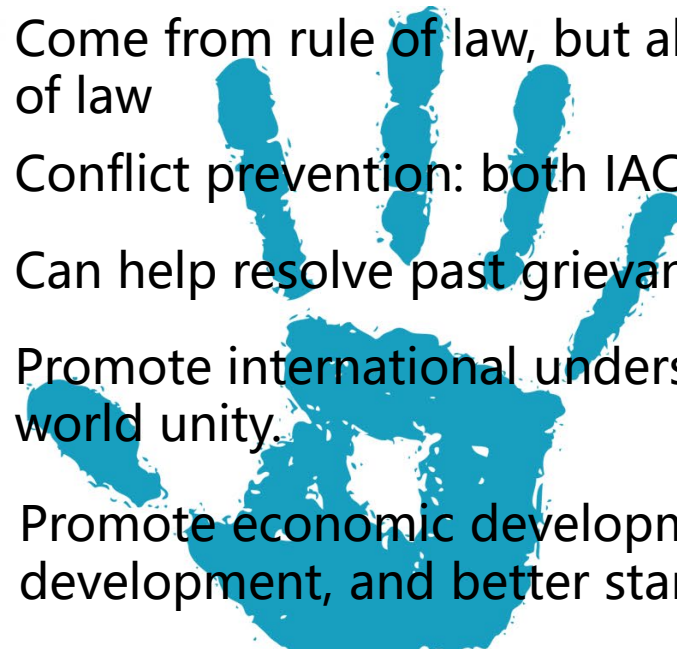
Conflict prevention: both IACs and NIACs

Can help resolve past grievances

Promote international understanding and world unity.

Promote economic development, human development, and better standards of living

Protect vulnerable groups and minorities.



Human Rights in the Constitution of Cambodia

Chapter III (“The Rights and Obligations of Khmer Citizens,” art. 31-50) provides a list of the most fundamental, common human rights.

Chapters V (“Economy,” art. 56-64) and VI (“Education, Culture, and Social Affairs,” art. 65-75) contain other rights, as well as obligations on the State to undertake other projects, which imply the existence of even more fundamental rights.

E.g. art. 59, “The State shall protect the environment and the balance of natural resources.”

E.g. art. 72, “The health of the people shall be guaranteed.”

Art. 31 references the UN Charter and the Universal Declaration of Human Rights by name, and refers to other “covenants and conventions related to human rights, women’s rights and children’s rights.”

International Human Rights Instruments

Most Comprehensive Texts:

Universal Declaration of Human Rights (Dec. 10, 1948)

International Covenant on Civil and Political Rights (Dec. 16, 1966)

Cambodian signature 1980; accession 1992

International Covenant on Economic, Social, and Cultural Rights (Dec. 16, 1966)

Cambodian signature 1980; accession 1992

Thematic Texts:

International Covenant on the Elimination of All Forms of Racial Discrimination (Dec. 21, 1965)

Cambodian signature 1966; accession 1983

International Covenant on the Elimination of All Forms of Discrimination against Women (Dec. 18, 1979)

Cambodian signature 1980; accession 1992

Convention on the Rights of the Child (Nov. 20, 1989)

Cambodian accession 1992

Convention against Torture, and Other Cruel, Inhumane or Degrading Treatment or Punishment (Dec. 10, 1984)

Cambodian accession 1992

International Convention for the Protection of all Persons from Enforced Disappearance (Dec. 20, 2006)

Cambodian accession 2013

Convention on the Rights of Persons with Disabilities (Mar. 30, 2007)

Cambodian signature 2007; accession 2012

Core Digital Human Rights

Human rights that exist offline, and are included in the Constitution, UDHR, ICCPR, ICESCR, but —

— take on an entirely new meaning in the online space, can be enjoyed in an exclusively online setting, and whose dynamics have fundamentally changed in the digital era

Right to Privacy

Freedoms of:
Thought
Information
Expression

Primarily represented in Ch. 3 of the
Cambodian Constitution and the ICCPR

Other rights approach this level of involvement with the internet, but not to the same extent:

Right to Self-Determination

Freedoms of:
Choice
Association
Assembly

Human Rights on the Internet More Broadly

Other human rights, no less important, cannot be 'ported' to the exclusively digital sphere.

These rights are nevertheless affected by internet use, data, AI, etc. These tools can improve or worsen pre-existing human rights situations, contributing directly or indirectly to offline problems.

Rights of the Child /
Family Rights
Right to Education
Women's, Minority,
Disabled Rights / Digital
Divide
Labor Rights
Cultural Rights
Environmental Rights

Privacy

Affected by the generation, collection, storage, transfer, use, and deletion of data

Cambodian Constitution,
Art. 40

Essential Protection:

- Consideration of online sphere, stakeholders, corporate and political interests in the data and their consequences,
- Informed, voluntary, and clear consent,
- Limiting collection to strictly necessary data,
- Pseudonymization or anonymization of data, as much as possible,
- Secure storage (cybersecurity), including network and offline factors,
- Limiting transfer, conditioning transfer, and supply chain management,
- Limiting use strictly to terms of consent and necessity of task,
- Data subject's unconditional rights of access, correction, and deletion

Freedom of Thought, Freedom of Information Cambodian Constitution, Art. 41

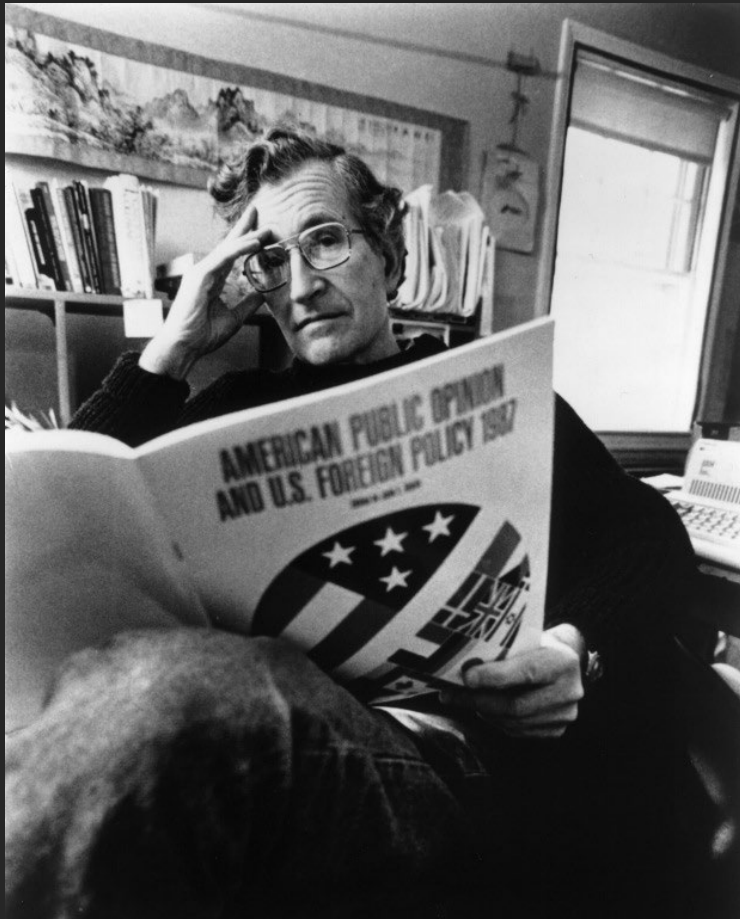


IMAGE:

[HTTPS://WWW.KINOLORBER.COM/PRODUCT/MANUFACTURING-
CONSENT-NOAM-CHOMSKY-AND-THE-MEDIA-DVD](https://www.kinolorber.com/product/manufacturing-consent-noam-chomsky-and-the-media-dvd)

Affected by the ability to access of information online by users. This can include:

- Censorship in all its forms:
 - Self-censorship
 - Suppression of content or unreasonably favorable treatment of certain content,
 - Direct content moderation by platforms, search engines, etc.
 - Government-induced or –mandated censorship
 - Disinformation and its exponents:
 - Disinformation (“disseminated intentionally to cause serious social harm”)
 - Misinformation (“dissemination of false information unknowingly”)
 - Malinformaton (true information whose importance or visibility is exaggerated as part of an agenda)
 - Astroturfing or manufacturing consent
 - False labelling
 - Malicious satire and parody
 - New technologies such as bots, algorithms, and AI
- Requires careful and difficult balancing act between substance and form of content, as well as with other rights.

Freedoms of Expression, Association, Assembly

Cambodian Constitution,
Art. 41-42



IMAGE: [HTTPS://NFHSRAIDERWIRE.COM/SHOWCASE/2019/04/09/RISING-INTERNET-CENSORSHIP-THE-TAKE-DOWN-OF-YOUR-FAVORITE-SOCIAL-MEDIA-APPS/](https://nfhsraiderwire.com/showcase/2019/04/09/rising-internet-censorship-the-take-down-of-your-favorite-social-media-apps/), ORIGINALLY FROM MEDIUM.COM

Share many attributes with the freedom of information; also more significantly affected by the right to privacy because of surveillance concerns.

Traditional laws allow either criminalization or civil liability if the activities can cause harm (e.g. hate speech, defamation and reputational harm, intentional infliction of emotional distress, incitement to felony, and in some cases accessory liability or conspiracy)

Expression, online:

- New forms of content may increase difficulty of interpretation;
- Both social media and the internet itself increase the magnitude of the speech act;
- Concerns over permanency of the speech, and the 'right to be forgotten';
- May also be affected by harassment by users and social climate.

Association (who you speak to), Assembly (gatherings):

- Online surveillance could lead to offline concerns
- Also could exist independently online, if users or groups are banned, group speech and interaction limited.

Self-determination, Freedoms of Choice, Movement

Cambodian Constitution, Art.
40

ICCPR art. 1, 12;

EU Declaration on Digital
Rights and Principles for the
Digital Decade, Ch. III



IMAGE: MITCH BLUNT, [HTTPS://FREEDOMHOUSE.ORG/REPORT/FREEDOM-
NET/2021/GLOBAL-DRIVE-CONTROL-BIG-TECH](https://freedomhouse.org/report/freedom-net/2021/global-drive-control-big-tech)

Self-determination: the internet is frequently idealized as a non-national space, of liberal informational exchange.

- NGOs hold up stakeholder and digital citizen rights to shape the internet as they see fit, open data, and free licenses;
- Many governments emphasize interoperability, globality (non-splintered internet), and security.

Freedom of Choice: Related to self-determination, privacy, and thought. Similar to antitrust, it requires limiting digital cartels to preserve the idea that the internet is shared fairly and equally.

- Evolving sophistication of digital strategies;
- Enhanced technologies (specifically big data, machine learning, algorithms, bots, and other forms of data science or AI);
- Evolving cybersecurity concerns

Freedom of Movement:

- To date, considered in terms of government monitoring of online activity to restrict offline activity.
- Could be updated to include corporate surveillance of location through smart devices.
- Consequences of corporate targeting of offline location?

Rights of Specific Groups:

Children, Women, Minorities,
People with Disabilities

Cambodian Constitution,
Art. 31, 36, 45-48, 73-74



IMAGE: UNICEF CAMBODIA/2014/ISSABELLE LESSER,
[HTTPS://WWW.UNICEF.ORG/CAMBODIA/STORIES/MAKE-INTERNET-SAFER-PLACE](https://www.unicef.org/cambodia/stories/make-internet-safer-place)

Two principal aspects:

1) Access:

- Digital literacy for children;
- Educational rights and public access to secure, reliable, high-speed internet;
- Digital divide and economic disparities for women;
- In Cambodia particularly, better infrastructure in remote areas to improve access for indigenous people;
- Digital literacy initiatives for people with disabilities;
- Access accommodations (e.g. sufficient audio, visual, and textual hardware) for people with disabilities.

2) Content:

- Content moderation for children;
- Protection against cybercrime specifically targeting women and children;
- Educational, cultural, and social content available and designed for children;
- Content in minority languages;
- Content available and designed to accommodate the needs of people with disabilities.

Educational and Cultural Rights

Cambodian Constitution,
Art. 48, 65-68 (education); 58,
69-72 (culture); ICESCR art. 13-
15



IMAGE: [HTTPS://MARKETINGTOCHINA.COM/CHINESE-TOURISTS-CAMBODIA/](https://marketingtochina.com/chinese-tourists-cambodia/)

Education:

- Closely related to access concerns; rights of children and the digital divide;
- May also require consistent “up-skilling and re-skilling” of the population that is already digitally literate;
- Essential foundation for economic development, not only for education through the internet, but to development e-commerce skills of increasing sophistication;
- Potentially vulnerable to disinformation;
- The internet may be used to accelerate the closure of pre-existing, offline educational divides.

Culture:

- In Cambodia, can be specifically relevant to the internet’s role in facilitating cultural crimes, most importantly making the black market more accessible.
- More frequently, refers to cultural participation, related to the rights of self-determination and freedoms of expression, information, assembly, etc.
- “Internet culture” is continually evolving, and may become more distant from offline culture.
- The internet results in faster cultural exchange, posing its own challenges: societal norms may change faster.

Environmental, Health, and Labor Rights

Cambodian Constitution,
Art. 36-37, 58-59, 62-63, 72;
ICESCR art. 1, 7, 11, 12, 25



IMAGE: [HTTPS://WWW.CARBONCREDITCART.COM/BUY-CARBON-CREDITS/SOUTHERN-CARDAMOM/](https://www.carboncreditcart.com/buy-carbon-credits/southern-cardamom/)

Environment and Health:

1) Role of Big Data and Machine Learning

- Use in assessing and predicting environmental impacts; GIS; economic analysis and forensic reconstruction of markets in assessing CITES; modeling of climate, migrations, etc.
- Reverse side: may also be used by corporations to more effectively extract resources.
- Sustainable development: sharing of technical knowledge, modelling of sustainable management.

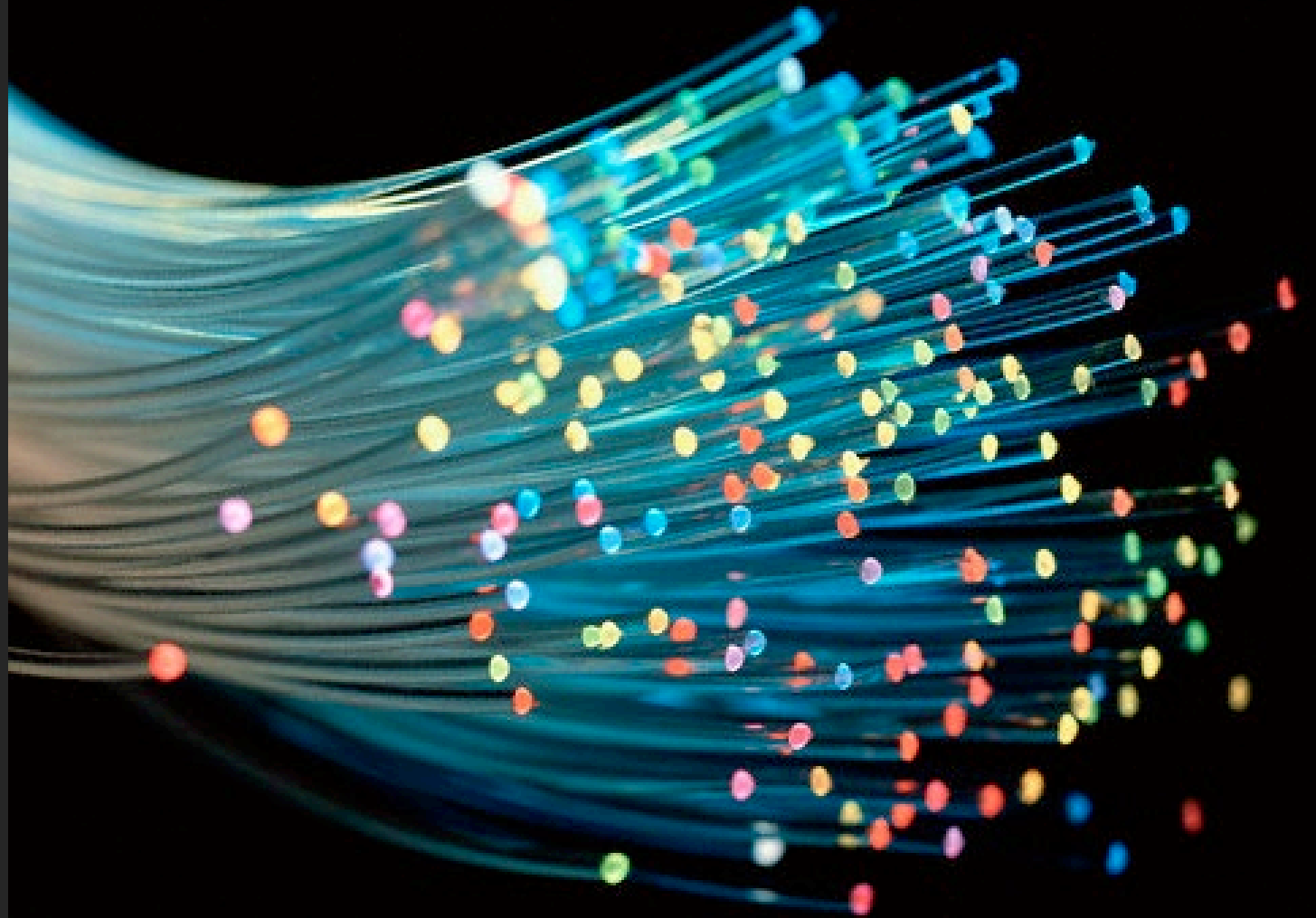
2) Environmental Impacts of Digital Activity

- Supply chain: rare earths are an exhaustible natural resources, and essential for electronics. With both mining and production concentrated in China, this will also impact the Mekong Watershed.
- Carbon footprint: the impacts of cryptocurrency mining have by now been well-documented, but other advanced digital technologies also place demand on computing power, which stress energy grids.

Labor:

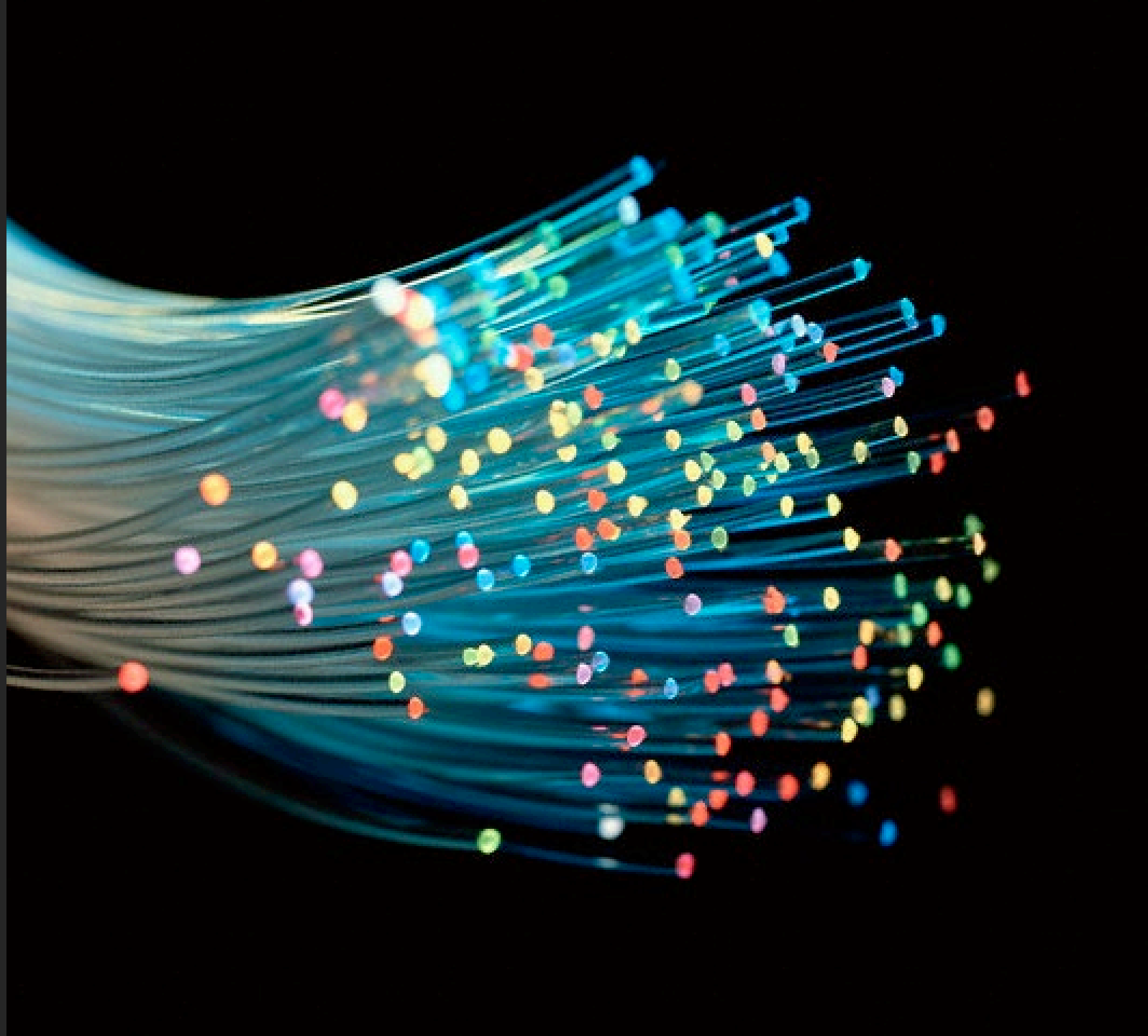
- More closely related to freedoms of expression, association, assembly; allows better communication;
- Threatened by corporate surveillance, e.g. Amazon.

Q+A



Discussion:

- Is hate speech online different than offline?
 - Self-censorship of search terms? of pages? of content? of purchases?
-
- Disinformation, misinformation, or malinformation?
 - Cryptocurrency, human rights cost / benefit analysis?



Ideas for Policymakers

- 1) Comprehensive evaluation of human rights impact into regulation of ICT. No compartmentalization.
- 2) Balance desires for flexibility and discretion with the need for specificity in technical matters. Laws should identify as precisely as possible technology (e.g. list terms using *noscitur a sociis*, *expressio unius*), and articulate the clearest standards to avoid layperson and foreign confusion.
- 3) Prioritize a universal, public, primary or secondary digital curriculum for digital literacy and digital protection.

Ideas for Civil Society

- 1) Develop an in-house cyber and data policy, even if Cambodian law not comprehensive.
 - Develop terms of consent and privacy.
 - Cybersecurity risk assessment.
- 2) Keep up to date on cyber and data laws, as well as the application of the Criminal Code to internet activity, specifically with regard to defamation and incitement to felony.
- 3) Look into SDG initiatives by partners that enhance the organization's mission from the digital sphere.

Ideas for Journalists:

- 1) Implement personal data privacy and cybersecurity measures with particular attention to safeguarding the data rights of sources.
 - Where PII is concerned, discuss risks and obtain consent from subject to storage and online treatment, specifically.
 - Consider all possible options regarding pseudonymization, anonymization, offline storage, etc.
 - When no longer needed, delete PII; if future use is predicted, obtain new consent.
- 2) Ensure high level of personal awareness on application of the Criminal Code to internet activity, factual circumstances surrounding defamation and incitement to felony cases.
- 3) Consider data journalism and objective, quantitative rather than a qualitative focus in potentially sensitive areas.
- 4) Seek to learn more surrounding the reasons and standards used in policy decisions, administration, and judgments on developments in cyber and data law, or in the application of traditional law to online settings.

Ideas for Academia:

- 1) Properly vet sources and follow them to their source to screen for disinformation, misinformation, malinformation, etc. Consider research sources from a 'digital supply chain' perspective. Inquire into both the interests and methods of sources; research credibility.
- 2) In areas concerning publication or intellectual property, consider availability online. Seek to share research in ways that make it accessible to the widest possible audience.
- 3) Become aware of the application of the latest digital technology (big data, machine learning, etc.) in your field. Consider taking technical courses on data and analytics.