

## Input for the Report On Gender Justice and Freedom of Opinion and Expression

### Key questions

1. *a) What barriers, challenges and threats do women in the public sphere face in exercising their freedom of opinion and expression online and offline? b) What are the distinct challenges faced by those who experience multiple and intersecting forms of discrimination? c) How have the pandemic, economic crises and recent political unrests affected women's ability to communicate, protest and access information online and offline?*

a). The Constitution of Cambodia is the supreme law that sets fundamental principles, including the respect for human rights, establishment of legislation, organisation of state institutions and division of state power. The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of other. The exercise of such rights and freedom shall be in accordance with the law. With this commitment, the Royal Government of Cambodia has issued various measures by setting up the basic principles stipulated in the CEDAW and all conventions related to human rights, women's rights and children's rights. However, there are some barriers, challenges and threats to women in the public sphere face in exercising their freedom of opinion and expression online and offline such as:

- Gender stereotypes and attitudes of society and family continue to divide work by sex, which hinders the development of women's roles in modern society. Women have been encouraged to embrace skills and work according to gender stereotype and perspectives of society and family, which has not enabled women to speak in public sphere.
- Negative gender stereotypes and attitudes in the family, the workplace, and the public space continue to occur against women and other vulnerable groups.
- Discrimination in political participation, lack of support from their family and community
- Lack of understanding of law about their rights and knowledge of expression, need to provide leadership training.
- The limitation of digital literacy and ICT accessibility leads for women to face some challenges for using digital and online platform to express to exercise their rights and especially during the Covid-19 pandemic.

- b). How have the pandemic, economic crises and recent political unrests affected women's ability to communicate, protest and access information n online and offline?*

Covid-19 brought us too many uncertainties and unprecedented impacts in many ways in term of social interaction, economics, trade and investment among others. The pandemic, economic crises and recent political unrests affected women such as facing challenges to communicate with friends, relatives, due to the protecting measures for COVID -19 all people are requested to stay home and are not allowed to gathering or meeting with people by face to face. Women lack access to online information more than offline information due to their limited ability to digital use.

- Since 2020, due to the global pandemic, Cambodia has undertaken a three-pronged approach which focus on 1) firstly, prevention with expansion of media campaigns through digital platforms to engage with public audiences and spread-out COVID-19 and gender-based violence prevention messages which reached out almost 1 million viewers especially young people, 2) secondly the continuity of essential protection services for women victims/survivors, and 3) the humanitarian relief. For example, the Ministry recognizes that front-line service providers are critical in both preventing and responding to violence against women on time therefore we ensured that our service providers and also victims received personal protective equipment so they could continue their work and had tools for phone and online counseling and referral with victims.

**4. Do you see any legal gaps, inconsistencies or controversies that should be clarified in this report, e.g. between protecting the right to freedom of expression and protecting women from ICT violence?**

- In Cambodia, freedom of expression is protected and promoted by laws. Article 31 of the Constitution states “Citizens are equal before the law” and Article 41 guarantees “Citizens have freedom of expression, press, publication and assembly, but that “no-one shall exercise the right to infringe on the rights of others, effect the good customs of society, violate public law and order and national security”. Article 305 of the Criminal Code states that any allegation or slanderous charge made in bad faith that undermines the honour or reputation of a person or an institution constitutes defamation and is punishable by law. This is consistent with paragraph 3, Article 19 of the ICCPR. In Cambodia, journalists, human rights defenders, civil society actors and other individuals are equal before the law, protected by the law and responsible before the law.
- The “Law of Press” and in conformity with constitution of Cambodia, the Ministry of Information provided equal opportunities to all Cambodian citizens the rights to run businesses in media outlets without discrimination of political tendencies or any group. Pre-censorship of press publications is prohibited as stated in the constitution and article 3 of the law of Press, while the law also allows information sources undisclosed.

**5. a). What legislative, administrative, policy, regulatory or other measures exist in your state to promote and protect women’s freedom of opinion and expression online and offline? To what extent do these measures take into account intersectionality?**

- The RGC Rectangular Strategy has recognized women as the backbone of economic and society. In this context, the government commits to promote gender equality in all sectors and level and to promote women economic empowerment and entrepreneurship, education for all, non-GBV, health and women’s leadership. In this connection, the national policy framework was developed to protect women’s rights and respond to gender equality including the National Development Strategic Plan (NSDP) has guided to all line ministries and development actors to ensure gender equality as the cross-cutting issue and to transform gender equality in economic, leadership, education and gender-based violence. NSDP has put the clear and specific indicator to achieve gender equality in the key sectors above. In additional, Neary Rattanak V (2019-2023) – Five-Year Strategic Plan on promoting gender mainstreaming and women’s empowerment in policies, strategic plans and development program across all sector and all levels, especially in the key strategic areas related to the economy, education, health, legal protection, governance and climate change. [www.mowa.gov.kh/wp-content/uploads/2021/02/Neary-Rattanak-V-final-Eng.pdf](http://www.mowa.gov.kh/wp-content/uploads/2021/02/Neary-Rattanak-V-final-Eng.pdf).
- Currently, Cambodia has some 550 printed media institutions, 148 news media websites, 211 radio stations, 21 TV channels and 112 TV relay stations, 58 online TV channels, 5 digital pay-TV stations, 113 cable TV stations in provinces, and 39 press associations and media centers. Internet wise, more than 50% of the total population have access to it. Moreover, the RGC’s policy is to increase the nationwide use of internet. Far from limiting on the freedom of expression, the RGC encourages more media expansion to enhance the free flow of sharing information and opinion.

**b). More women participated in the public and leadership positions in the public institution**

- In Cambodia, positive results were achieved for women’s participation in decision making in the last two decades thanks to high-level political commitment and specific affirmative policies from the Government which were put in place. Most line ministries (LMs) promoted women’s participation through new staff recruitment and increasing the number of female civil servants, implementation of a Ministry of Civil Service (MCS) guideline to increase the recruitment of female candidates from 20 percent to 50 percent, and the intention to promote at least one woman to a position of leadership and management in line ministries and Sub-National Administrations (SNAs). As a result, as of 2019, 41 percent of civil servants were women working at the national

and sub-national level and 24% of women held the position of deputy chief of office at the general director levels. In the capital and provincial board of governors, 8% of provincial governors were women (2 out of 25), and 17.44% of deputy governors were women (26). In the board of municipality/district/khan governors, six women are governors (3.06%) and 194 women are deputy governors (25.52%).

- To contribute to the implementation of UN Security Council 1325 internationally, since 2006, Cambodia has deployed over 7,040 peacekeepers, 387 of them are women to join UN peacekeeping missions. Globally, Cambodia ranks 19th out of 120 countries that have contributed female soldiers to UN peacekeeping operations working in humanitarian, de-mining, and peacekeeping operations in many hot spots in various parts of the world, and we continue to persevere despite the current threat posed by the on-going COVID-19 pandemic.

**6. *What legal administrative, policy or other measures exist in your State to protect women from sexual and gender violence and harassment online? How effective are they? What impact have they had on women's empowerment and public participation, including freedom of expression?***

It is to re-confirm that the Kingdom of Cambodia is respecting human rights, the rights of speeches and the freedom of expression as enshrined in the United Nation Charter, the Universal Declaration of Human rights and all the treaties and conventions related to human rights, women's rights and children's rights. The above rights are also embedded in the Cambodian constitution 1993. According to the Cambodian laws and regulations, the rights of opinions, the freedom of press, publication and assembly have been guaranteed. The highly growing numbers of media outlets in Cambodia is clearly shown the right track on the freedom of press and freedom of expression in the country.

**7. *What do you believe State should do to a) uphold women's human right to freedom of opinion and expression? b) protect women from violence, harassment and intimidation online and offline and c) promote women's public participation?***

**a). For uphold women's human right to freedom of opinion and expression, the state should be:**

- To enforce the rule of law
- Create enabling environment for the implementation of democratic principle
- Civic education to the public to understand about their rights and how to exercise their rights and freedom of expression
- Encourage women to have equitable access to education and to information both online and offline

**b) *Protect women from violence, harassment and intimidation online and offline***

- Promoting gender equality and ending gender-based violence to nurture a sustainable economic growth and develop an inclusive society is one top priority in the political platform of the Government agenda, which stated clearly that – “women are the backbone of the national economy and social development.”
- Over the last decades, the Government has made significant progress in its efforts to prevent and respond to violence against women through the successive implementation of 3 National Action Plans to Prevent Violence against Women since 2011 which involve 17 line ministries, 4 development partners, and 40 NGOs, and comprise 4 strategic areas namely Prevention, Legal Protection and Multi-Sectoral Services, Laws and Policies and Monitoring and Evaluation,
- The Ministry of Women's Affairs (MOWA) is working closely with key development partners and line Ministries such as Ministry of Interior, Ministry of Post and Telecom, Ministry of Education to promote the prevention of violence against women and girls through the online campaign and also provide the online services to the victims, including legal counseling, mental, and social services. MoWA is also working closely with Ministry of Information to promote the implementation of the Media Code of Conduct for the Journalist to reporting on GBV.

**c) Promote women's public participation**

Cambodia has strong commitment in continuing to strengthening the rights of people in freedom of expression, the free press and publication. It is to note that the Royal Government of Cambodia always does everything it can to secure peace, stability, happiness and social development for the Cambodian people. Therefore, the government through the Ministry of Women's Affairs working with key line ministries and development partners to promote the capacity development of women on ICT and encourage the private sector such as internet company to reduce the price of internet using and encourage to women to learn how to use internet for their business and networking.

**8. a) What specific measures have platform providers and intermediaries taken to i) protect women's freedom of opinion and expression ii) protect women from online gender-based violence, harassment, intimidation and discrimination iii) promote women's equal access to the digital space, iv) address grievances and provide remedies to women users, v) ensure accountability of the intermediaries?**

**b) To what extent do you find these measures to be fair, transparent, adequate and effective in protect women's human rights and promoting women's empowerment?**

- To promote the law dissemination and strengthening the law enforcement
- Create enabling environment for the implementation of democratic principle
- Conduct public awareness about the law and legal framework related to women's rights, including CEDAW convention in order to education to the public to understand about their rights and how to exercise their rights and freedom of expression.
- Encourage women to have equitable access to education and to information both online and offline.
- To implement the Media Code of Conduct with journalists for reporting violence again women (VAW) to challenge discriminatory reporting of VAW.

**9. What do you think internet intermediaries should do to protect women's right to freedom of opinion and expression and make the online space safe for women?**

- In order to ensure that the freedom of expression is upheld, the Royal Government of Cambodia allows the people to use and interact all kinds of social media such as Facebook, YouTube, Twitter, Telegram, Instagram, WeChat, WhatsApp, TikTok etc without any barrier, but the exercises of the activities must be in conformity with the laws and regulations of Cambodia. Amides new technological and social development, the Law on Press is now subjected to be amended in the context of the changing media landscape.
- Also in order to ensure the rights of information for the people, the law on Access to Information was drafted which so far, it is almost at its final stage after three years of drafting and consulting at the ministry's level and Technical Working Group (TWG) and inter-ministerial consultation with the active participations of representatives from inter-ministries, UNESCO, OHCHR, National and International Organizations, Non-governmental Organizations, Civil Societies and development partners. We do hope that the law will be promulgated in early 2021.
- The participation of the private sector to protect the negative impact to women from the online use such as the perpetrators use the wording and photos that caused women not comfortable in accessing the online information.
- The online companies should have and respect the ethical code of conduct and protect the fake news and online violation to against women.

Ministry of Women's Affairs (MoWA) work closely with some key development partners, civil society and NGOs on the promotion of women participation in the politics at all levels. MoWA advocated with the political parties to promote and support women candidates for the national and sub-national election. We conducted the capacity development for women candidates to run the election campaigns, leadership skills and public speaking. As the results numbers of women won the elections increased significantly from time to time (1993 -2018).

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