Cambodia: Withdraw proposed association law and make legislative drafting process transparent

Description:

The Cambodian government must withdraw the proposed Law on Associations and Non-Governmental Organizations (LANGO) and make the legislative drafting process in the country transparent.
Paris, Phnom Penh, 11 May 2015 - The Cambodian government must withdraw the proposed Law on Associations and Non-Governmental Organizations (LANGO) and make the legislative drafting process in the country transparent, FIDH and its member organizations, the Cambodian Human Rights and Development Association (ADHOC) and the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), said today.

"Laws that adversely affect the ability of associations and NGOs to operate in Cambodia must be drafted through a process that is genuine, inclusive, and allows consultation with all relevant stakeholders," said FIDH President Karim Lahidji. "The voices of the non-profit sector, which is essential for the promotion and protection of democracy and human rights in Cambodia, must be heard and taken into account."

The proposed LANGO has reached the Council of Ministers and could be adopted by the ruling Cambodian People's Party (CPP)-dominated National Assembly by the end of May. The latest draft of the law, obtained by FIDH, ADHOC, and LICADHO, is the same as the document the government released on 12 December 2011. The three organizations have repeatedly criticized the document, known as 'the fourth draft', because it contains restrictions on the freedom of association, burdensome registration requirements for some organizations, excessive powers granted to unelected officials of the executive branch, and unreasonable restrictions on foreign NGOs.

"The Council of Ministers must send LANGO back to the drawing board and pave the way for a lawmaking process that adheres to Cambodia's obligations under international law," said ADHOC President Thun Saray.

On 2 April, in its Concluding Observations after the review of Cambodia's periodic report, the UN Human Rights Committee (HRC) expressed concern over the lack of transparency in the legislative process in the country. The HRC urged Cambodia to "consider making public all draft legislation to facilitate public debate and dialogue by citizens with their representatives." The HRC monitors implementation of the International Covenant on Civil and Political Rights (ICCPR), to which Cambodia is a state party. Article 25 of the ICCPR guarantees the right of every citizen "to take part in the conduct of public affairs."

"Prime Minister Hun Sen should practice what he preaches. He said the aim of LANGO is to ensure transparency but his administration has been anything but transparent, judging from the slew of oppressive laws that the government has unilaterally and secretly drafted in recent years," said LICADHO Director Naly Pilorge.

A draft Cybercrime Law, drafted by the Ministry of Posts and Telecommunications (MPTC) under the pretense of national security concerns, was leaked online in April 2014. The text prescribes jail terms and fines for vaguely-defined offenses, such as publishing online content that slanders or undermines the government's integrity, incites or instigates the general population, or generates insecurity and instability. On 11 December 2014, a government official claimed that the Cybercrime Law had been put on hold.

A 100-article draft Law on Telecommunications, drafted by the MPTC, emerged in late July 2014. The document was leaked to the media after the MPTC gave only a few days for telecommunications companies to provide their feedback on the Khmer language text. If passed in its current form, the Law on Telecommunications would give the government discretionary authority to take over and shut down internet service providers.

In July 2014, three fundamental laws on the judiciary were enacted after a decade-long drafting process. These laws, passed by a single-party National Assembly without any public consultation or credible debate, legitimized the government's control over all aspects of the judiciary, including the promotion of judges as well as the assignment of judges and cases.
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Press contacts

FIDH: Mr. Andrea Giorgetta (English) - Tel +66 886117722 (Bangkok)
FIDH: Mr. Arthur Manet (French, English, Spanish) - Tel: +33 6 72 28 42 94 (Paris)


[2] UN Human Rights Committee, 113rd session, Concluding observations on the second periodic report of Cambodia, Para. 25