

THE OBSERVATORY: OPEN LETTER

Mr. Hun Sen

Prime Minister of the Kingdom of Cambodia
41 Russian Federation Blvd, Phnom Penh

Geneva-Paris, May 21, 2015

Re: Draft law on civil society in Cambodia

Dear Prime Minister,

The Observatory for the Protection of Human Rights Defenders (a joint OMCT-FIDH programme) writes to you with regards to the draft Law on Associations and Non-Governmental Organizations (LANGO) that you announced on April 1, and that is expected to be introduced in the Cambodia's National Assembly later this month.

We draw your attention to your responsibility to ensure a conducive environment for human rights defenders and the importance of a broad and substantive consultation with civil society on such a legislation. On this matter, we are gravely concerned that, at this stage, no copy of the draft law has been publicly released, nor any meaningful consultation with civil society has been conducted.

This lack of transparency is especially worrying taking into account the precedents in December 2010 and December 2011, when the Cambodian Government issued four previous versions of a draft LANGO. The last draft from December 2011 enshrined restrictive provisions that severely undermined freedom of expression, assembly, and association of organisations and would have resulted in a significant shrinking of the space for civil society action. Previous attempts to shrink space led to concerted pressure by Cambodian¹ and international NGOs², following which plans to adopt similar draft legislation were abandoned.

However, according to the information received, the current draft of LANGO is based on the last version appeared in December 2011. Therefore, the Observatory fears that it may contain the same restrictive provisions that would hamper the ability of civil society to operate freely in Cambodia.

In particular, some of the main flaws included in the December 2011 draft that must be avoided in the current version are: the lack of clarity and transparency as regards the requirement of registration to acquire 'legal capacity'; excessive bureaucratic and reporting procedures, that disproportionately penalise small and rural organisations; the lack of legal safeguards and meaningful judicial review mechanisms; and finally the vagueness of definitions, that opens the legislation for abuse.

The Observatory moreover fears that the secrecy currently surrounding the legislative process aims to avoid any obstacles to the adoption of the law, as it was the case in the past.

Our organisations further express their concern over a trend of shrinking space for civil society in Cambodia. In 2010, the Observatory released a report following an International

¹ See the Press Release of the Cambodian Center for Human Rights (CCHR) of December 18, 2011, available at http://cchrcambodia.org/index_old.php?url=media/media.php&p=press_detail.php&prid=207&id=5 and the CCHR 'LANGO Draft Analysis' available at http://cchrcambodia.org/index_old.php?url=media/media.php&p=analysis_detail.php&anid=18&id=5.

² See the Joint Press Release of the Observatory of April 7, 2011, Joint Open Letters of August 23, 2011, and November 19, 2011, and the Joint Press Release of December 22, 2011.



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Fact-Finding Mission, which stressed the increasingly severe restrictions on civil society's freedom of expression in place since 2008³.

We urge your Government to publicly release a copy of the draft law and to allow for meaningful consultation, debate, and input from civil society. We also call upon your Government to ensure that any draft law on associations and non-governmental organisations promotes and protects – not restricts – space for civil society, in particular for human rights defenders.

We thank you for your attention to this important matter.

Yours sincerely,

Gerald STABEROCK
OMCT Secretary General

Karim LAHIDJI
FIDH President

³ See the Report of the Observatory “Cambodia: Freedoms of expression, association and assembly: A shrinking space”.