

PRESS RELEASE - THE OBSERVATORY

Cambodia: Constitutional Council must reject problematic provisions of the Law on Associations and NGOs

Paris, Geneva, Phnom Penh, July 28, 2015 – Cambodia’s Constitutional Council must reject the numerous provisions of the Law on Associations and Non-Governmental Organizations (LANGO) that run counter to the country’s Charter, the Observatory for the Protection of Human Rights Defenders said today.

The Constitutional Council is expected to review the LANGO by the end of July. Cambodia’s Constitution empowers the Council to rule on the constitutionality of laws adopted by Parliament. According to Article 142 of the Charter, provisions of legislation passed by Parliament that the Constitutional Council finds unconstitutional “shall not be promulgated or implemented.”

“The Constitutional Council must uphold its role of guardian of the Constitution and reject the numerous provisions of the LANGO that contradict key constitutional principles,” said FIDH President Karim Lahidji.

Article 35 of the Constitution grants all citizens the right to “participate actively in the political, economic, social and cultural life of the nation.” In contrast, Articles 8 and 9 of the LANGO infringe on this constitutionally-guaranteed right. Article 8 imposes a mandatory and highly discretionary registration process for all associations and NGOs. Article 9 compounds the situation, as it bans unregistered domestic associations and NGOs from conducting *any* activities. In addition, Article 24 of the LANGO requires domestic NGOs to maintain an undefined concept of “political neutrality.” This clause is not in line with Article 41 of the Constitution, which guarantees the right to freedom of opinion.

The above-mentioned provisions of LANGO also run afoul of the Constitution because they negate Article 31, which states that Cambodia recognizes and respects human rights as enshrined in the Universal Declaration of Human Rights (UDHR) and “all the treaties and conventions related to human rights, women’s rights and children’s rights.” Articles 19 and 20 of the UDHR and Articles 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR) guarantee the right to freedom of opinion, expression, and association. Cambodia is a state party to the ICCPR.

“The key tenets of the LANGO are clearly unconstitutional. A reasoned analysis of the LANGO shows that the government completely ignored the country’s highest law when it drafted this awful piece of legislation,” said OMCT Secretary General Gerald Staberock.

The LANGO was adopted by the National Assembly and the Senate on July 13 and 24 respectively. On both occasions, elected representatives from the ruling Cambodian People’s Party (CPP), which holds the majority in both houses of Parliament, voted in favour of passing the LANGO, while members of the opposition boycotted the vote to protest the draft law.

The Observatory had previously called for the withdrawal of the LANGO because it was drafted without any meaningful consultation with concerned stakeholders. The LANGO contains unnecessary restrictions on the right to freedom of association, excessive penalties, and grants authorities indiscriminate and arbitrary powers over registration and de-



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registration of civil society groups and NGOs. The LANGO legalizes the control and censorship of activities undertaken by domestic and international associations and NGOs.

The restrictions on the right to freedom of association contained in the LANGO go well beyond the permissible limitations allowed by international human rights law and serve no legitimate purpose. The Observatory maintains that the legislation already in force in Cambodia is sufficient to appropriately regulate the activities of associations and NGOs and to allow the prosecution of criminal acts if committed.

The Observatory for the Protection of Human Rights Defenders (OBS) was created in 1997 by FIDH and OMCT. The objective of this programme is to intervene to prevent or remedy to situations of repression against human rights defenders.

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