



Cambodia

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Cambodia: Withdraw Flawed Draft NGO and Association Law - Revised Draft Does Not Address Rights Concerns

(Bangkok, April 7, 2011) - Cambodia's draft law regulating associations and nongovernmental organizations (NGOs) should be abandoned because it will undermine rather than promote civil society in the country, Human Rights Watch, Amnesty International, Forum-Asia, Global Witness, Southeast Asia Press Alliance, Frontline Defenders, and the International Federation for Human Rights (FIDH) and World Organisation against Torture (OMCT) within the framework of the Observatory for the Protection of Human Rights Defenders said today. On April 6, a total of 62 international organizations working in Cambodia called upon the country's international donors to make strong public and private statements opposing passage of a law that poses the most significant threat to the country's civil society in many years.

"Cambodia's proposed law could too easily be used to refuse registration or close down organizations that serve the public interest," said Brad Adams, Asia Director at Human Rights Watch. *"Over the past 20 years the development of civil society has been one of Cambodia's few enduring achievements. This law threatens to reverse that progress."*

"When the draft law was first circulated, in December 2010, civil society raised urgent concerns that it would prove vulnerable to abuse by officials at the national, provincial, and commune level seeking to silence civil society criticism," said Yap Swee-Seng, Executive Director of Forum-Asia. *"Far from addressing these fears, the revisions introduced by the government make a bad situation worse. New provisions that facilitate denial or delays of registration to those deemed critical of the government will allow an increasingly oppressive government to further restrict civil society activities."*

The main problems with the draft law are:

- **Registration remains compulsory despite repeated calls to follow international standards that registration be voluntary.** Unregistered associations and NGOs are prohibited from operating. Mandatory registration undermines the right to freedom of association guaranteed by the Cambodian constitution, and Article 22 of the International Covenant on Civil and Political Rights, to which Cambodia is a party.
- **Excessive registration and reporting procedures, which risk penalizing and criminalizing small organizations, associations, and community level networks, remain largely in place.** A newly added clause allows the government to remove applicants that fail to submit a bank statement within 30 working days of notification of registration from the registration list. Such a decision, for which there is no appeal, will disproportionately affect groups operating at community- and commune- level, which often lack the resources to comply with these bureaucratic hurdles. They will also be vulnerable to prosecution for carrying out legitimate activities without the proper legal status.
- **Concerns about a lack of legal safeguards, meaningful judicial review mechanisms, or right to appeal have not been addressed, and concerns regarding the vagueness of definitions in the original draft have not been dealt with.** The only mention of an "appeal" in the original draft was a limited right of response by

which applicants could correct "defect(s)" in their application if it was rejected. This has been completely removed in the second draft.

"The persistent pattern of repression that has been witnessed and documented in Cambodia over the last decade gives us reason to believe that this draft law is intended only to further tighten the government's grip on independent civil society," said Souhayr Belhassen, FIDH President.

The Cambodian government has failed to provide an adequate answer as to why this new law is needed alongside other existing laws and regulations that govern civil society, the organizations said. In particular, our organizations believe that the enactment of the 2007 Civil Code serves as an adequate legal framework to regulate both for-profit and non-profit entities based on voluntary registration, making the introduction of this new law unnecessary.

"Cambodia's international donors have spent billions of dollars of development aid funding programs to strengthen and build the capacity of Cambodia's civil society. These initiatives risk being rendered ineffective by this proposed law," said Simon Taylor, Director of Global Witness. *"If the donors stand by while the government adopts this law, they cannot in good conscience claim to be working in the interests of Cambodia's development objectives."*

"We strongly urge the Cambodian government to abandon this draft law and ensure that all laws, policies and regulations concerning oversight of civil society in Cambodia are written and implemented in a manner that respects human rights and is in conformity with international standards," said Eric Sottas, OMCT Secretary General.

<http://www.fidh.org/Revised-Draft-Does-Not-Address-Rights-Concerns>