



7 May 2015

H.E. Sar Kheng
Deputy Prime Minister and Minister of Interior
Ministry of Interior,
275 Norodom Blvd,
Phnom Penh, Kingdom of Cambodia

Joint Letter: Work with civil society to address restrictions in draft Law on Associations, and Non-Governmental Organizations (LANGO)

Excellency,

We the undersigned international and regional civil society organizations write to express our deep concern about provisions of the proposed Law on Associations, and Non-Governmental Organizations (LANGO). If adopted in its current form, the draft would place undue restrictions on the legitimate exercise of the right to freedom of association and undermine laudable steps taken to actualize democratic reforms in the country. We urge your government to consult with a wide spectrum of civil society stakeholders to ensure that the draft corresponds to Cambodia's constitutional and international human rights commitments.

We understand that despite repeated and widespread requests from civil society to engage in a meaningful consultative process to address the shortcomings of the 4th draft of the LANGO, on 1 April 2015 Prime Minister Hun Sen publicly announced his decision to facilitate the expeditious approval of the law "without any obstacles."

While the authorities have failed to publicly release the most current edition of the draft, serious concerns persist that the draft LANGO retains a number of overbroad provisions which endow the government with expansive interpretative powers to sanction independent civil society groups. Of principle concern are provisions which would force all NGOs to register with the Ministry of Interior (MoI) in order to obtain legal standing and provide the MoI with excessive discretion to deny registration to NGOs without adequate justification.

Under Article 8 of the law, the MoI is authorized to examine the documents and the legality of the statute and to determine whether to accept or reject the registration of the organization. Such requirements contravene international standards put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, who recommends simple notification rather than prior authorization to establish an NGO. Moreover, article 8 fails to specify precise grounds upon which the MoI can reject an NGO's application for registration.

In addition, we remain deeply concerned by several articles of Chapters 6 and 7 of the LANGO which give the Ministry of Interior far-reaching powers to dissolve organizations without adequate justification. Specifically, the law fails to provide any well-defined criteria to guide the MoI's decision

to dissolve or suspend an NGO. Such action fails to meet international standards safeguarding the right to freedom of association. It is essential that Chapters 6 and 7 of the LANGO are revised to protect against potential politicization and manipulation and to ensure that independent NGOs cannot be targeted by the authorities for expressing dissenting or critical views.

Moreover, targeted limitations on the activities and resources of international NGOs (INGOs) would create severe obstacles to the fulfilment of the right to freedom of association. Particularly, articles 12 through 15 make explicit reference to INGOs' mandate to "implement aid projects." Such provisions fail to acknowledge the diverse activities of INGOs and unjustifiably limit the scope of permissible issues INGOs can address. In addition, article 15 limits the "administrative costs" of INGOs, including staff salaries, to 25 per cent of the total budget of the organization. Such arbitrary restrictions effectively consign INGOs operating in the country to service delivery organizations and arbitrarily jeopardize the important work of advocacy and capacity building organizations with significant staff costs.

During Cambodia's adoption of its UN Universal Periodic Review (UPR) report in June 2014, your government made explicit commitments to "Take action to ensure that Cambodian legislation enables . . . civil society groups to exercise their rights to freedom of expression, association and peaceful assembly." Moreover, during a recent joint solidarity mission to Cambodia, the undersigned groups met with a number of key government stakeholders to encourage the creation of a more enabling environment for civil society, including revisiting the LANGO.

We note that our comments and analysis are based on an unofficial version of the draft legislation, because no official version has been released to the public. As a matter of best practice, the Royal Government of Cambodia should adopt and implement laws on Access to Information and the process for drafting legislation. These laws should institutionalise mechanisms for public input, consultations and civil society interaction. Government ministries and other state institutions should be legally required to publicly disseminate draft laws, regulations and policies and to organise public consultations and invite comments from the public on these items prior to submission to the Council of Ministers. Civil society and public consultations should begin when laws are first being drafted, not only when they reach parliament.

In light of the concerns outlined in this letter and with respect to the commitments made by your government during its UN UPR examination, we urge you to consider our concerns on the draft Law on Associations, and Non-Governmental Organizations (LANGO).

We thank you in advance for your attention and remain available to further discuss these pressing matters.

Sincerely,

Asia Democracy Network (ADN)
Asian Forum for Human Rights and Development (Forum Asia)
CIVICUS: World Alliance for Citizen Participation
Global Call to Action against Poverty (GCAP)
International Forum of National NGO Platforms (IFP)
South East Asian Committee for Advocacy (SEACA)