The Cambodian Centre for Human Rights said that a number of provisions in the Kingdom’s legal framework do not fully comply with international human rights standards and fundamental freedoms.

The 50-page report entitled “Protecting Fundamental Freedoms: A desk review of domestic legislation and its compliance with International Law,” issued on Wednesday, said the legal review targeted potentially unlawful pieces of legislation which restrict fundamental freedoms.

The review included the constitution, penal code, laws on the Election of Members of the National Assembly, Election of Commune Councils, Associations plus Non-Governmental Organizations and Peaceful Assembly.

It also included the Implementation Guide to the Law on Peace Demonstration, Laws on political parties, Press Law, Telecommunications and Trade Union, the CCHR said, adding that it focused on areas where restrictions on fundamental rights are contrary to international laws.
The report said the issues included narrower protection than those required by international human rights law, restrictions that violate international human rights law, plus broad and vague language that make it difficult for individuals to know what actions are covered by the legislation.

It recommended that the government ensure the domestic legal framework is in line with international standards.

The report said any restrictions that are not in line with international human rights law should be removed, while provisions that impose onerous requirements for exercise of fundamental freedoms should be amended.

“Where freedom is legitimately restricted by domestic legislation, any penalties for breach of this legislation must also be proportionate,” the CCHR said. “The government should consider amending provisions which are vaguely or broadly defined, to avoid the risk of arbitrary application and abuse by authorities.”

CCHR’s executive director Chak Sopheap said in a press statement that freedom of expression, association and assembly are essential elements of any healthy democratic society and governments have an obligation to respect and protect them.

“We hope this review and our recommendations will help facilitate a discussion on how we can increase respect for fundamental freedom in Cambodia, starting with a strong legal framework,” Ms Sopheap said.

She said that the government should take all appropriate steps to ensure that domestic legal framework is in line with international human rights standards.

“Due to social development, there are challenges in law enforcement. If there are problems, we will have it amended and make new provisions or laws. There is no perfect law in one democratic country,” Justice Ministry spokesman Chin Malin said yesterday. “We encourage the civil society, including the CCHR, to discuss the issue with the government or the ministry in order to address it together.”