This letter was translated from Khmer Official Letter.

Samdach Vibol Sena Pheakdey Say Chhum,
President of the Senate of the Kingdom of Cambodia

Phnom Penh, 22 July 2015

CCHR requests urgent consideration of amendments to the draft LANGO or rejection

Dear Samdach Vibol Sena Pheakdey Say Chhum,

I am writing to you regarding the proposed Law on Association and Non-Governmental Organizations (“LANGO”) that will be discussed and voted by the Senate later this week. I wish to reiterate my grave concern and urge you to recommend substantive amendments to the law or to vote for its rejection. If approved and then promulgated, this LANGO will lead to serious restrictions of the rights to the freedoms of association, expression and assembly and to the right to participate in public life, in clear contravention of the Cambodian Constitution, the International Covenant on Civil and Political Rights and other relevant international instruments.

On 5 June 2015, the Council of Ministers approved the fifth draft of the LANGO. After minor changes were made to the text, including the creditable elimination of the 25% budget cap on administrative costs, the draft was sent to the National Assembly in mid-June. Pro forma consultations were held on 8 July 2015 during the “National Workshop on Understanding the LANGO”, where few of the concerns raised were given consideration. On 13 July 2015, the National Assembly adopted the draft LANGO with minor amendments, despite the boycott of the session by the opposition and the widespread call to stop the legislative process and hold meaningful consultations with all relevant actors, or reject the law.

The draft law, yet to be publicly and officially circulated, remains a very concerning piece of legislation. Despite important changes to Article 5 - the clause that banned leaders of dissolved associations or NGOs from starting new associations was deleted, and the welcome reduction of the minimum number of founding members from five to three - those changes do not address numerous serious problems concerning the draft. There is real concern within Cambodian civil society, including CCHR, and the international community at large that the current draft of the LANGO does not fully comply with the Cambodian Constitution and international human rights law and standards, and will be used to stifle the capacity of civil society to operate in Cambodia.

Cambodian and international civil society organizations, the UN Special Rapporteur on Freedom of Assembly and Association, the UN Human Rights Committee, several diplomatic
representatives and most recently the EU parliament have repeatedly requested the government to reconsider the adoption of this law, ensure transparency and engage in meaningful consultations. None of these calls has been heard, so increasing the concerns regarding the real scope of this law.

It would be an important development if the details of these reservations could be considered by you, prior to the vote of the LANGO at the forthcoming Senate meeting. Such consideration would in turn enrich and legitimize the Senate deliberations and decision-making process. In the event that the law will be approved without amendment, the legitimacy of the LANGO and the democratic nature of Cambodia will be brought into question amidst significant public scrutiny and criticism.

In light of the above, I therefore urge you to consider the attached brief analysis of the proposed LANGO recommending key amendments to the law, with a view to developing a law that is in line with the Cambodian Constitution and international law; to recommend substantive amendments to the law during the Senate meeting or to vote for its rejection. I also request that you publish the current draft of the LANGO in advance of the vote meeting so as to ensure transparency and facilitate productive dialogue.

Yours sincerely,

Chak Sopheap
Executive Director,
Cambodian Center for Human Rights (“CCHR”)