A culture of fear and paranoia

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I write in response to the article by James O’Toole that appeared on April 11, 2011, (“US hits out on rights issues”), highlighting the sharp criticism levelled at the Royal Government of Cambodia by the United States in its 2010 Human Rights Report.

In his response to the report, HE Phay Siphan, Secretary of State and Spokesperson of the Office of the Council of Ministers, stated that the RGC is working to “build a culture of human rights respect through the law”. While comments from government officials in support of human rights are commendable in principle, I am concerned as to how recent and forthcoming laws can possibly further this aim of nurturing a culture of respect for human rights in practice.

As widely publicised, the forthcoming NGO Law will impose burdensome registration and reporting requirements on associations and NGOs – including those working to promote human rights – and grant excessive arbitrary power over the registration and dissolution of associations and NGOs to the relevant government ministries.

As with the NGO Law, the forthcoming draft Law on Trade Unions threatens to severely undermine the right of the Cambodian people to freedom of association. The current draft contains numerous onerous registration provisions, which would frustrate the ability of workers to form trade unions and to advocate for their interests.

The Penal Code – which came into force in December 2010 and which includes nine provisions that criminalise various forms of expression – is an extremely concerning piece of legislation insofar as human rights are concerned. These provisions undermine the freedom of all Cambodian people to have a say in how their country is being run and serve as a deterrent to human rights defenders – such as journalists, rights activists, lawyers and so on – from speaking out in criticism of rights violations.

Since coming into force, the Penal Code has been used to convict on charges of incitement one man – Seng Kunnaka – who printed out articles from a popular anti-government website and shared them with a handful of friends and another – a 20 year old moto taxi driver named Hin Piseth – after a passenger he was carrying distributed anti-government leaflets, reportedly without his knowledge.

While comments from government officials in support of human rights are welcome in principle, they are of little consolation to men like Seng Kunnaka and Hin Piseth, who sit in jail on the most dubious of pretexts. Their convictions offer an indication of the culture that recent and forthcoming laws in Cambodia are truly likely to create – a culture of fear and paranoia.

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