

CSO Joint Statement of Civil Society Organizations

On

Cambodia's Current Legislative Agenda

We, civil society organizations of Cambodia, appreciate that state-civil society cooperation has been a key factor in Cambodia's development. Among the many roles of civil society organizations, we act as bearers of common concerns to the government on behalf of the public. At this critical time in Cambodia's history, the government's actions do not yet meet its pledge to undertake critical reforms and be more responsive to the voices of its citizens. At the same time, the government introduces legislation that threatens to curtail fundamental freedoms of Cambodian citizens.

Democratic societies around the world use civil society and other stakeholder consultations as a critical resource and approach to ensure legislation serves the public and the country well. As civil society organizations, with direct engagement and constant dialogue with constituents and access to technical experts, we stand ready to assist the Royal Government with its reform agenda to build the freedoms and prosperity of the Cambodian people. We have congratulated and valued other opportunities to provide input into draft legislation, but are troubled by the Government's recent action to pass critical laws in the absence of consultation, inclusion of provisions negotiated under previous consultations, and substance to create meaningful reform.

In the name of organizations protecting human rights, freedom and the socio-economic development of Cambodia, and moving on a path of true reform, we present the following requests:

- We request that **Preash Karuna Preahbath Samdech Preahboromaneath Norodom Sihamony**, the King of Cambodia considers not to adopt the three **Fundamental Laws on the Judiciary** since they violate the Constitution of Cambodia and cannot guarantee the independence of the judiciary power. We request that His Majesty urges that the laws be re-written to create an independent judiciary.
- We request the Royal Government to abandon all provisions of its legislative agenda that threaten to silence dissenting and questioning voices, and to instead embrace the

opportunity to engage in constructive dialogue with all stakeholders to shape policy that serves the public benefit.

- We request the Royal Government to make all draft laws available to the public, and to engage in meaningful stakeholder consultations, resuming the past practice of considering concerns, views and perceptions of our constituents and other members of the public on draft legislation.
- We request the Royal Government to: 1) halt consideration of this Draft **Law on Cybercrime** until these concerns are adequately addressed, 2) share the current Draft Law, and 3) consult with Civil Society organizations and other development actors to identify the common issues and to take out the provisions that limit freedom of expression. Civil society finds the Law in its current form¹ violates human rights protections enshrined in the Cambodian Constitution and international treaties ratified by Cambodia². This Law would dramatically curtail freedom of expression in Cambodia and it has been found that substantially constraining internet use has a devastating effect on economic development by damaging the competitiveness of its economy.³
- We request that the Royal Government of Cambodia to: 1) share the current Draft **Law on Associations and NGOs**, 2) reflects the provisions previously recommended by civil society, and 3) uses stakeholder consultations to further update the draft before it is submitted for passage. The **Law on Associations and NGOs** must contain safeguards protecting organizations from political interference. Failure to include such protections will harm Cambodia's development and democracy.
- We request the Royal Government of Cambodia to ensure the **Law on Trade Unions** includes all previous provisions giving workers the right to unionize and respecting the right of freedom of assembly. We request the Government to maintain close consultations with stakeholders and ensure that their recommendations are reflected in the final law text. The **Law on Trade Unions** must not curtail the rights of workers to unionize and/or otherwise exercise their right to freedom of association.

¹ Unofficial version (Leaking source)

² The Universal Declaration of Human Rights (Article 2(1)) and the International Covenant on Civil and Political Rights (ICCPR) (Articles 14, 22)

³ Dalberg Global Advisors Report, *Open for Business? the Economic Impact of Internet Openness*, March 2014; available at: www.dalberg.com/documents/Open_for_Business_Dalberg.pdf

- We request the Royal Government of Cambodia to reconsider the draft **Law on the Management and Use of Agricultural Land**. The draft Law should be re-written by having full public consultation with local farmers, development partners, civil society and other relevant stakeholders. As it currently stands, the **Law on the Management and Use of Agricultural Land** has serious implications for private landholders and local smallholder farmers through criminal punishment, removal of the management and arrangement entitlement from the citizens. The Law can be used for land-grabbing by those who wish to exploit Cambodia's land, diminishing natural resources and deteriorating the living conditions of Cambodian farmers. Contents of the draft Law opposes to the Land Law and the Constitution of Cambodia.

We call on foreign embassies, development partners and private sector to reflect and reinforce these concerns in their own public and private communication with officials of the Royal Government to ensure democracy based development, rule of law, economic and stability reinforcement in Cambodia.

We encourage our fellow citizens to engage in dialogue with others about these laws, and communicate their concerns to their elected representatives.

Contact Persons:

1. Ms. Sin Putheary, Head of Communication and Member Development, Cooperation Committee for Cambodia (CCC), putheary.sin@ccc-cambodia.org, 012 769 836
2. Mr. Pen Raksa, Program Manager, Transparency International Cambodia (TIC), raksapen@ticambodia.org, 012 876 864
3. Mr. Lam Socheat, Deputy Director, Advocacy and Policy Institute (API), socheatlam@apiinstitute.org, 012 71 8611
4. Mr. Suon Bunsak, Executive Secretary, Cambodian Human Rights Action Committee (CHRAC), suonbunsak.chrac@yahoo.com, 092 344 357
5. Mr. Sia Phearum, Director, Housing Rights Task Force (HRTF), cam.hrtf@gmail.com, 012 852 325
6. Mr. Duch Piseth, Project Coordinator, Cambodian Center for Human Rights (CCHR), duchpiseth@cchrcambodia.org, 012 712 371