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The culture of impunity and violence must stop

AHRC (30.05.2012) - We, Cambodian and International civil society organizations represented in this statement, condemn the use of armed force and escalating violence against citizens peacefully defending their land, labor and natural resources rights. We are referring to not only the events earlier last week on 22nd May, when dozens of peaceful Boeung Kak Lake (BKL) protesters were violently dispersed and two days later when fifteen (fourteen women and one male) BKL residents were sent to Prey Sar prison and charged and convicted of unfounded criminal offenses,¹ but also the recent shooting incidents—the killings of environmental activist Chut Wutty² in Koh Kong province and 14-year old girl Heng Chantha³ in Kratie province, and the shooting of three young women protesting for better working conditions in Svay Rieng province. These incidents are particularly disturbing because they indicate an increasing readiness on the part of security and military forces to use lethal force against civilians.

The year 2012 has already witnessed at least five such instances, not including numerous other human rights abuses. We are deeply concerned, shocked and saddened about this escalation of violence, particularly in disputes related to Economic Land Concessions (ELCs). Pursuant to Article 41 of the Cambodian Constitution and international conventions to which Cambodia is a party, all citizens enjoy a fundamental right to free expression, which includes the right to protect against decisions of public authorities that infringe on their rights and livelihood . In practice, the exercise of this right is all too often denied or met with violent repression.

Cambodian citizens have a right to live under the rule of law. They deserve to be protected, served with dignity and fairness based on universally agreed basic rights. Public authorities not only have a duty and obligation to ensure that a culture of impunity is never condoned but also must make fighting against impunity a priority. All instances involving the use of firearms against civilians should be promptly, thoroughly and impartially investigated. Investigations that find shootings to be “accidental” or the result of low-ranking officers acting on their own initiative should be supported by evidence gathered in a rigorous, transparent manner. At the very least, protection against threats and intimidation should be provided to witnesses and all victims should have access to effective judicial verdict and justice.

The recent shootings took place despite the fact that Prime Minister Hun Sen has made an announcement prohibiting the use of firearms against protesters⁴ and issued a moratorium on the granting of ELCs⁵. Civil society organizations welcome the Prime Minister’s much needed directives, which work to improve human rights in Cambodia. However, the Prime Minister’s directives should be followed by detailed, binding regulations that highlight how public authorities—both local and provincial and armed forces—should thoroughly and systematically implement these directives.

It is necessary to fully review all existing concessions to ensure they all are fully compliant with relevant national and international legal frameworks. Gaps in resources or technical capacity should be identified and addressed, and the implementation of these decisions should be monitored and reported to the public.

We, the 122 undersigned civil society organizations, believe that violence against citizens is never acceptable and should cease immediately and will also continue to monitor individual cases related to land, labor and natural resources rights. In addition, we will seek to engage the Royal Government of Cambodia with the aim to strengthen the rule of law and to break the current cycle of violence and impunity.

This statement is endorsed by the following Cambodian and International Civil Society Organizations:

- 1) 3S Rivers Protection Network (3SPN)
- 2) Action for Environment and Communities (AEC)
- 3) Action for Research and Development (ARD)
- 4) ActionAid International-Cambodia
- 5) Advocacy and Policy Institute (API)
- 6) Affiliated Network for Social Accountability-East Asia and the Pacific (ANSA-EAP CAMBODIA)
- 7) Aide Et Action International-Cambodia
- 8) Alliance Action for Rural Restoration Organization (AARR)
- 9) Asian Human Rights Commission (AHRC)
- 10) Assistance to Poor Children's Agency (APCA)
- 11) Australian Council for International Development (ACFID)
- 12) Banteay Srei (BS)
- 13) Buddhism for Development (BFD)
- 14) Building Communities Voices (BCV)
- 15) Burma Partnership
- 16) Cambodia Women's Crisis Center (CWCC)
- 17) Cambodia's Media Forum on Environment (CMFE)
- 18) Cambodian Center for Independent Media (CCIM)
- 19) Cambodian Centre for Human Rights (CCHR)
- 20) Cambodian Children's Trust (CCT)
- 21) Cambodian Civil Society Partnership (CCSP)
- 22) Cambodian Defenders Project (CDP)
- 23) Cambodian Food and Service Workers Federation (CFSWF)
- 24) Cambodian HIV/AIDS Education and Care (CHEC)
- 25) Cambodian Human Rights Action Committee (CHRAC)
- 26) Cambodian Human Rights and Development (ADHOC)
- 27) Cambodian Indigenous Youth Association (CIYA)
- 28) Cambodian League for the Promotion and Defense of Human Rights (LICADHO)
- 29) Cambodian Mental Health Nurses Association (CMHNA)
- 30) Cambodian National Research Organization (CNRO)
- 31) Cambodian Rural Development Team (CRDT)
- 32) Cambodian Volunteers for Society (CVS)
- 33) Cambodian Worker Center for Development (DWCD)
- 34) Cambodian Center for the Protection of Children's Rights (CCPCR)
- 35) Center for Advanced Study (CAS)
- 36) Child Hope Cambodia
- 37) Children and Life Association (CLA)
- 38) Children Development Association (CDA)
- 39) Christian Reformed World Relief Committee (CRWRC)
- 40) Christians for Social Justice (CSJ)
- 41) Coalition for Integrity and Social Accountability (CISA)
- 42) Coalition of Cambodian Farmer Community (CCFC)
- 43) Community Capacities for Development (CCD)
- 44) Community Economic Development (CED)
- 45) Community Empowerment and Development Team (CEDT)
- 46) Community Managed Development Partners (CMDP)

- 47) Community Peace-Building Network (CPN)
- 48) Concern Worldwide Cambodia
- 49) Cooperation Committee for Cambodia (CCC)
- 50) CORD South & East Asia
- 51) Culture and Environment Preservation Association (CEPA)
- 52) DanChurchAid/ChristianAid
- 53) Danmission-Cambodia
- 54) Development and Partnership in Action (DPA)
- 55) Development and Peace-Canada
- 56) Diakonia
- 57) Elephant Livelihood Initiative Environment (ELIE)
- 58) Environment and Society Organization (ESO)
- 59) Environmental Protection and Development Organization(EPDO)
- 60) Equitable Cambodia
- 61) Farmer of Cambodia Organization (FOC)
- 62) Forum Syd
- 63) Friends of the Earth Indonesia (WALHI)-based in Indonesia
- 64) Gender and Development for Cambodia (GADC)
- 65) Heinrich Böll Stiftung Cambodia
- 66) Highlander Association (HA)
- 67) Housing Rights Task Force (HRTF)
- 68) ICCO & KiA Southeast Asia and Pacific
- 69) Inclusive Development International
- 70) Independent Democracy of Informal Economic Association (IDEA)
- 71) Indigenous Community Support Organization (ICSO)
- 72) Indigenous Rights Active Members (IRAM)
- 73) International Center for Conciliation (ICfC)
- 74) Japan International Volunteer Center (JVC)
- 75) Jesuit Service Cambodia
- 76) Kelompok Studi Konservasi (KSK)- based in Indonesia
- 77) Khmer Institute for National Development (KIND)
- 78) Khmer Youth Association (KYA)
- 79) Korean Missionary Society (KMS)
- 80) Krom Akphiwat Phum (KAWP)
- 81) Kunathor (TNK)
- 82) LICADHO Canada
- 83) Life with Dignity (LWD)
- 84) Mercy Teams International
- 85) Mlup Baitong (MB)
- 86) My Village (MVi)
- 87) Neak Poan Organization For Development (NOP)
- 88) Neutral and Impartial Committee for Free and Fair Elections in Cambodia (NICFIC)
- 89) NGO Committee on the Rights of the Child (NGOCRC)
- 90) NGO Education Partnership (NEP)
- 91) NGO Forum on Cambodia (NGOF)
- 92) Non-Timber Forest Products (NTFP)
- 93) Norwegian People's Aid (NPA)-Cambodia
- 94) Operations Enfants du Cambodge (OEC)
- 95) Organization to Promote Kuy Culture (OPKC)
- 96) Partnership for Development in Cambodia (PADEK)
- 97) People in Need Cambodia (PIN-Cambodia)
- 98) People's Action for Change (PAC)
- 99) Phum Baitong
- 100) Ponleu Ney Kdey SangKhum (PNKS)
- 101) Ponlok Khmer (PKH) based in Preah Vihear
- 102) RACHANA
- 103) Reproductive Health Association of Cambodia (RHAC)

- 104) Riverkids Foundation
 - 105) Sahmakum Teang Tnaut (STT)
 - 106) Save the Children
 - 107) Servants of Cambodia
 - 108) Silaka
 - 109) Social Action for Change (SAC)
 - 110) STAR Kampuchea
 - 111) Strey Khmer Organization (SKO)
 - 112) The Cambodian Center for the Protection of the Children's Rights (CCPCR)
 - 113) Trócaire
 - 114) Urban Poor Development Fund (UPWD)
 - 115) Village Focus Cambodia (VFC)
 - 116) Volunteers for Sustainable Development (VSD)
 - 117) WAI Bangladesh Steering Committee
 - 118) Welthungerhilfe Cambodia (DWHH/GAA)
 - 119) Women Association for Community Development (WACD)
 - 120) World Rainforest Movement (WRM)
 - 121) World Vision Cambodia (WVC)
 - 122) Youth Resource Development Programme (YRDP)
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Withdraw flawed draft NGO and association law revised draft does not address rights concerns

A Statement from a group of human rights organisations forwarded by the Asian Human Rights Commission

Amnesty International
Asian Forum for Human Rights and Development (FORUM-ASIA)
Front Line Defenders
Global Witness
Human Rights Watch
The Observatory for the Protection of Human Rights Defenders
Southeast Asian Press Alliance

Joint statement

(07.04.2011) – Cambodia's draft law regulating associations and nongovernmental organizations (NGOs) should be abandoned because it will undermine rather than promote civil society in the country, Human Rights Watch, Amnesty International, Forum-Asia, Global Witness, Southeast Asia Press Alliance, Frontline Defenders, and the International Federation for Human Rights (FIDH) and World Organisation Against Torture (OMCT) within the framework of the Observatory for the Protection of Human Rights Defenders said today. On April 6, a total of 62 international organizations working in Cambodia called upon the country's international donors to make strong public and private statements opposing passage of a law that poses the most significant threat to the country's civil society in many years.

"Cambodia's proposed law could too easily be used to refuse registration or close down organizations that serve the public interest," said Brad Adams, Asia Director at Human Rights Watch. "Over the past 20 years the development of civil society has been one of Cambodia's few enduring achievements. This law threatens to reverse that progress."

"When the draft law was first circulated, in December 2010, civil society raised urgent concerns that it would prove vulnerable to abuse by officials at the national, provincial, and commune level seeking to silence civil society criticism," said Yap Swee-Seng,

Executive Director of Forum-Asia. "Far from addressing these fears, the revisions introduced by the government make a bad situation worse. New provisions that facilitate denial or delays of registration to those deemed critical of the government will allow an increasingly oppressive government to further restrict civil society activities."

The main problems with the draft law are:

- Registration remains compulsory despite repeated calls to follow international standards that registration be voluntary. Unregistered associations and NGOs are prohibited from operating. Mandatory registration undermines the right to freedom of association guaranteed by the Cambodian constitution, and Article 22 of the International Covenant on Civil and Political Rights, to which Cambodia is a party.

- Excessive registration and reporting procedures, which risk penalizing and criminalizing small organizations, associations, and community level networks, remain largely in place. A newly added clause allows the government to remove applicants that fail to submit a bank statement within 30 working days of notification of registration from the registration list. Such a decision, for which there is no appeal, will disproportionately affect groups operating at community- and commune- level, which often lack the resources to comply with these bureaucratic hurdles. They will also be vulnerable to prosecution for carrying out legitimate activities without the proper legal status.

- Concerns about a lack of legal safeguards, meaningful judicial review mechanisms, or right to appeal have not been addressed, and concerns regarding the vagueness of definitions in the original draft have not been dealt with. The only mention of an "appeal" in the original draft was a limited right of response by which applicants could correct "defect(s)" in their application if it was rejected. This has been completely removed in the second draft.

"The persistent pattern of repression that has been witnessed and documented in Cambodia over the last decade gives us reason to believe that this draft law is intended only to further tighten the government's grip on independent civil society," said Souhayr Belhassen, FIDH President.

The Cambodian government has failed to provide an adequate answer as to why this new law is needed alongside other existing laws and regulations that govern civil society, the organizations said. In particular, our organizations believe that the enactment of the 2007 Civil Code serves as an adequate legal framework to regulate both for-profit and non-profit entities based on voluntary registration, making the introduction of this new law unnecessary.

"Cambodia's international donors have spent billions of dollars of development aid funding programs to strengthen and build the capacity of Cambodia's civil society. These initiatives risk being rendered ineffective by this proposed law," said Simon Taylor, Director of Global Witness. "If the donors stand by while the government adopts this law, they cannot in good conscience claim to be working in the interests of Cambodia's development objectives."

"We strongly urge the Cambodian government to abandon this draft law and ensure that all laws, policies and regulations concerning oversight of civil society in Cambodia are written and implemented in a manner that respects human rights and is in conformity with international standards," said Eric Sottas, OMCT Secretary General.
