

Open Letter on current draft laws

To: Ministers of the Royal Government of Cambodia

We, civil society organizations including Associations and Non-Governmental Organizations, highly appreciate that state-civil society cooperation has been a key factor in the development of Cambodia from a war-torn country to a peaceful vibrant developing country. Many times, government and civil society organizations have had different opinions but met in constructive discussions, and more frequently still, government and civil society organizations have met in good cooperation.

As has long been recognized by the Royal Government of Cambodia (RGC), civil society organizations play an important partnership role in actively promoting development effectiveness, democracy and human rights. The 2009 National Strategic Development Plan Update noted, "Civil society is an important partner and many NGOs, both national and international, play an active and vigilant role in social and economic development efforts as well as in promotion of democracy and human rights."

Cambodian civil society organizations were recently asked, by members of a Parliamentary Commission concerned with the exercise of human rights in Cambodia, for our positions on several pieces of draft legislation, including the draft Cybercrime Law and the draft LANGO, that we have concerns may undercut space for society's participation in governance, and interfere with associated human rights. We were asked if we simply opposed such legislation or would support improvement by proposing amendments. In considering the question, it becomes clear that without seeing an official current version of each draft law, it is difficult to know how we can best support the government's policy-making with respect to these.

In order to respond to the Parliamentary Commission meaningfully, and to responsibly exercise our roles representing various stakeholders that are our constituents, members and beneficiaries – and to support RGC officials in the difficult task of developing legislation that balances the interests of various institutions and sectors of society – we respectfully ask that the various ministries and committees having control of the drafts, release them publicly. The list of current draft laws sought include those pertaining to Cybercrime, Telecommunications, Trade Unions, Association and NGOs, and Agricultural Land Use and Management. Regarding some of these, such as the draft Law on Trade Unions, there is a draft under open discussion; however, we ask that current drafts be made public on all. Additionally, we request that the government make the public disclosure of all draft laws, prior to completion of their final review at the Council of Ministers, a standard practice.

We offer to support the Royal Government in conducting consultations on the draft laws, an activity with which the government has already agreed. During the 2009 cycle of the Universal Periodic Review (UPR) of human rights, Cambodia accepted the UK's recommendation that it: *Widen its consultation process on the development of policy, legislation and regulations to ensure that all legislative instruments are assessed as to their positive and negative impacts on human rights.* This recommendation applies to all the draft laws identified above.

During the 2014 UPR process Cambodia agreed to Sweden's recommendation that it should: *Approach the issue of regulating freedom of expression on the internet through consultations with all stakeholders.* Furthermore, in this cycle, Cambodia also agreed to Hungary's recommendation that: *In line with its commitment under the previous UPR cycle, work towards ensuring free access to the electronic media and liberalize the electronic media ownership rules by drafting a Cyber Law in accordance with international standards.* Taken together, these stand as an international commitment that Cambodia will provide for consultation with all stakeholders and to do so with an aim at producing a Cybercrime Law (and Telecommunications Law) that meets international standards in all aspects.

We, the undersigned NGOs and Associations therefore collectively and respectfully call on the Royal Government of Cambodia to reconsider our key asks particularly to share the official draft laws and to make public consultation with relevant stakeholders before sending over to the Council of Ministers or to the National Assembly. It is the government's duty to ensure the public in general, including civil society, right to information.

Endorsed by

Grassroots communities and networks:

1. Banteay Srei District Land Communities Network (6 communities)
2. Cambodian Grassroots Cross-Sector Network
3. CICA Kampot
4. Chorm Paen Forestry Community, Preah Vihear
5. Coastal Community Fishery Network, Kampot
6. O' Chrov Fishery Community, Preah Sihanouk
7. Farmer Community for Peace and Development, Kampot
8. Kandal Stung District Land Communities, Kandal
9. Independent Farmer Association for Community Development, Prey Veng
10. Independent Farmer and Nature Network (13 provinces)
11. Land Communities Preah Sihanouk City and Province (16 communities)
12. Phnom Kouk Network Pursat
13. Phnom Kouk Network Kompong Chnang
14. Sugar Justice Network, Koh Kong
15. Sahakum Arunras, Leang Dai village, Angkor Thom district, Siem Reap
16. Sahakum Rukhacheat Baitang, Tropaing Svay village, Angkor Thom district, Siem Reap
17. Sahakum StreySmachet Srok Angkor Thom
18. SahakumKapreaSith and Ackpiwat, Khum Yea-ang, Kompong Speu
19. Tonle Sap Fishery Network, KompongChnang
20. TropaingTeumCommnity, PreahVihear

Organizations (NGOs)

21. Cooperation Committee for Cambodia (CCC)
22. Cambodia Center for Human Right (CCHR)
23. Cambodian Human Rights Action Committee (CHRAC)
24. Gender and Development for Cambodia (GADC)
25. Transparency International Cambodia (TIC)
26. Banteay Srei Organization

27. Ponleu Ney Kdei Songkhem (PNKS)
28. People's Action for Change (PAC)
29. Cambodia Youth Network (CYN)
30. Legal Support for Children and Women (LSCW)
31. Union Coalition for Labour (UCL)
32. Coalition of Cambodian Farmer Community (CCFC)
33. STAR Kampuchea (SK)

International Organization (INGOs)

34. Freedom House (FH)
35. Dan Church Aid/Christian Aid (DCA/CA)
36. Diakonia Country Office (Cambodia)