

## **JOINT PRESS RELEASE – PHNOM PENH, 28 July 2017**

### **CSOs express serious concerns regarding the proposed amendment to Law on Political Parties, amid typically rushed legislative process**

We, the undersigned civil society organizations (“CSOs”), express our deep concern regarding the proposed amendment to the Law on Political Parties (the “LPP”),<sup>1</sup> which was passed by the National Assembly on 10 July 2017,<sup>2</sup> and endorsed by the Constitutional Council on 25 July 2017.<sup>3</sup> Following a well-established pattern, this controversial and widely-criticized draft legislation is being rushed through the legislative process without any meaningful consultation, thereby denying the Cambodian public their right to participate in the public affairs of the nation.

We are deeply concerned that the exceptionally broad and overreaching powers granted to the Royal Government of Cambodia (the “RGC”) under the proposed amendment would subvert Cambodian democracy, and violate multiple provisions of the Constitution of the Kingdom of Cambodia (the “Constitution”), as well as Cambodia’s binding international human rights obligations. Please find attached two annexes containing an article-by-article legal analysis of the proposed amendment (Annex 1), and a presentation of relevant applicable laws (Annex 2).

We have attempted to raise these concerns directly with both the Senate and the Constitutional Council over the past week, by making the attached legal analysis available to assist them in their deliberations on the amendment. However, the Senate refused to accept our letter on the basis that it had not complied with the relevant administrative procedure, while the Constitutional Council replied that our concerns could not be considered as we are not one of the bodies empowered to send a law for examination by the Council under Articles 140 and 141 of the Constitution of Cambodia and Articles 17 *new* and 18 *new* of the Law on the Organization and Functioning of the Constitutional Council. Such a refusal - on procedural grounds - to even receive or consider this legal analysis is an affront to the principle of inclusive, transparent and participatory democracy, and further underlines the glaring deficiencies associated with this rushed and opaque legislative process.

Considered alongside the previous amendment to the LPP, promulgated on 07 March 2017, this proposed amendment represents a fundamental threat to the liberal multi-party democracy

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<sup>1</sup> The Law on Political Parties was first promulgated by Royal Decree No. JS/RKM/1197/07, dated 18 November 1997, and the first amendment of the Law on Political Parties was promulgated by Royal Decree No. NS/RKM/0317/003, dated 07 March 2017. The proposed changes to the LPP were first made publicly available at a session of the Permanent Committee of the National Assembly on Thursday, 07 July 2017 (<https://www.cambodiadaily.com/news/political-party-law-would-sever-rainsy-from-cnrp-132236/>). This proposed amendment comes in the wake of a March 2017 amendment to the LPP, which received widespread criticism due to its perceived unconstitutionality. See, for example: OHCHR Cambodia ‘A Human Rights Analysis Of The Amended Law On Political Parties (2017)’, available at:

<https://cambodia.ohchr.org/sites/default/files/Analysis%20on%20the%20Amended%20Law%20on%20Political%20Parties%2028%2003%202017%20FINAL%20no%20TC.pdf> and, ASEAN Parliamentarians for Human Rights, ‘ASEAN MPs Decry Parties Bill as “death knell for democracy” in Cambodia’, available at: <http://aseanmp.org/2017/02/19/political-parties-bill-death-knell-for-democracy-in-cambodia/>).

<sup>2</sup> Meas Sokchea and Erin Handley, ‘Assembly Passes Party Law Targeting Rainsy’, *The Phnom Penh Post*, 10 July 2017, available at: <http://www.phnompenhpost.com/national/breaking-assembly-passes-party-law-changes-targeting-rainsy>

<sup>3</sup> Ben Sokhean, ‘Party Law Sails through; SRP Mulls Name Change’, *The Cambodia Daily*, 26 July 2017. Available at: <https://www.cambodiadaily.com/topstory/party-law-sails-through-srp-mulls-name-change-132882/>

envisioned in the Cambodian Constitution, which at Article 1, paragraph 1, states, “Cambodia is a Kingdom where the King shall fulfill his functions according to the Constitution and the principles of liberal multi-party democracy.” Article 51 of the Constitution reiterates, “[t]he Kingdom of Cambodia adopts a policy of liberal multi-party democracy”. These obligations to promote liberal democracy and pluralism echo the commitments undertaken in the 1991 Paris Peace Agreements by the late King Father, His Majesty King Norodom Sihanouk, on behalf of Cambodia.

The cumulative impact of the proposed amendment’s provisions (when read alongside the previous amendment) would be to significantly expand the RGC’s power to effectively dissolve any political party they see fit, on the basis of exceptionally vague and subjective criteria. In essence, the proposed amendment would provide the ruling party with the power and pretext to suspend democracy itself.

We, the undersigned CSOs, are gravely concerned about the outlook for Cambodian democracy. This proposed amendment is the latest in a series of restrictive laws which unjustifiably restrict Cambodians’ rights to freedom of association and freedom of expression, including the Law on Associations and Non-Governmental Organizations (the “LANGO”) in 2015 and the Trade Union Law in 2016, as well as the first amendment to the LPP in March 2017. Similarly to the aforementioned laws, this proposed amendment fails to meet the minimum human rights obligations contained in the Cambodian Constitution and binding international treaties, and represents a severe threat to Cambodian democracy. If these amendments are adopted and its provisions implemented, they would represent an existential threat to multi-party democracy in Cambodia; would have a severe chilling effect on the ability of all political parties to campaign freely and on an equal footing; and as a result would seriously call into question whether the July 2018 national elections could be considered free, fair and legitimate.

**This joint statement is endorsed by:**

1. Cambodian Center for Human Rights (CCHR)
2. Cambodian Human Rights and Development Association (ADHOC)
3. Cambodian Independent Teacher Association (CITA)
4. Center for Alliance of Labor and Human Rights (CENTRAL)
5. Coalition of Cambodian farmer Community (CCFC)
6. Committee for Free and Fair Election in Cambodia (COMFREL)
7. Equitable Cambodia (EC)
8. Gender and Development for Cambodia (GADC)
9. Housing Rights Task Force (HRTF)
10. Independent Monk Network for Social Justice (IMNSJ)
11. Indradevi Association (IDA)
12. Khmer Kampuchea Krom for Human Rights and Development Association (KKKHRDA)
13. Minority Rights Organization (MIRO)
14. Mother Nature
15. Neutral & Impartial Committee for Free & Fair Elections in Cambodia (NICFEC)
16. Ponlok Khmer
17. Samakum Teang Tnaut (STT)

18. The Cambodian Defender Project (CDP)

19. Youth Council of Cambodia (YCC)