



KINGDOM OF CAMBODIA
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OHCHR REGISTRY

Permanent Mission of the Kingdom of Cambodia
to the United Nations Office, the World Trade Organization
and other International Organizations at Geneva

11 JAN. 2012

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*The Permanent Mission of the Kingdom of Cambodia to the United Nations Office, the World Trade Organizations and other International Organizations in Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights, (Section of Special Procedures of the HRC), and with reference to the joint letter of a Group of Special Rapporteurs (Special rapporteur on adequate housing as a component of the rights to an adequate standard of living, and on the rights to non-discrimination in this context, Special rapporteur on the promotion and protection of the rights to freedom of opinion and expression and the Special rapporteur on the situation of human rights defenders), dated 26 September 2011, concerning the alleged suspension, warning and acts of intimidation against 07 non-governmental organisations (NGOs), including **Sahmakum Teang Tnaut (STT)**, **Bridges Across Borders Cambodia (BABC)** and **NGO Forum (NGOF)**.*

In this connection, the Permanent Mission of Cambodia is instructed by the Royal Government to make a further clarification on some of the cases related to NGOs, along with draft law on associations and Non-Governmental Organisations as follows:

- Based on their distorted account, the three NGOs as indicated above, namely the **Sahmakum Teang Tnaut (STT)**, **Bridges Across Borders Cambodia (BABC)** and **NGO Forum (NGOF)** have demanded the **Asian Development Bank** to freeze the railway's project fund until certain conditions are met. The allegation and action taken by these NGOs are tantamount to an attempt to discredit the Cambodian Government, incite the public against the current administration and hamper the development efforts in Cambodia. By so doing, both **BABC** and **NGO Forum** flagrantly violated the spirit and scope of the existing Memorandum of Understanding (Article 11 and 13) signed between the two organisations and the Ministry of Foreign Affairs and International Cooperation. On the other hand, **STT** failed to fully comply with its statute and with legal requirements.*
- The measures taken against these organisations are intended to encourage responsible exercise of the freedom of expression; and they should not be construed as the government's restraint on the freedom of expression and freedom of association.*

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- *Attention should be drawn to Article 42 of the Kingdom of Cambodia's constitution, which stipulates, "Khmer citizens shall have the rights to establish associations and political parties. **These rights shall be determined by law.**" Therefore, the draft Law on Association and NGOs does not aim to limit but to expand their freedom to operate within a legal framework and to enhance effective cooperation between NGOs and government. To this end, the drafting process of the law has been inclusive, participatory and transparent. A number of consultative meetings between the Cambodian government and civil society have already been held to ensure that all stakeholders' concerns and recommendations are integrated into the law. The process of consultation is now even still continuing with all relevant stakeholders, with a view to finding a solution to the draft law.*

The Permanent Mission of the Kingdom of Cambodia avails itself of this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights (section of the Special Procedures of the HRC), the assurances of its highest consideration.

Geneva, 09 January 2012



