

JOINT STATEMENT OF
“The Coalition of Cambodian Civil Society Organizations
concerning the draft Anti-Corruption law”

Phnom Penh, March 09, 2010

A coalition of Cambodian civil society organizations (in the following referred to as “the Coalition”) is very pleased to learn that the Cambodian National Assembly will debate the draft Anti-Corruption Law on March 10, 2010. However, the Coalition is disappointed that it was not able to make any crucial comments on the proposed draft law due to the short time available since it has learned about the current draft. The Coalition acknowledges that although some of our previous strategic comments of on a previous draft have been partly included by the Royal Government into the current new draft and also incorporated in the new Criminal Code (specifically crimes/offenses related to corruption), still some other main principles and comments have not been yet included. If these key principles and comments were not to be considered and included in the new draft, we fear that the Anti-Corruption Body would not work properly and effectively.

Therefore, and in order for the Anti-Corruption Body to fully and effectively implement the new Criminal Code and the proposed law, the Coalition would like to submit to the National Assembly the following recommendations for urgent consideration:

- 1- Defer the adoption of the draft law for at least one month from now to allow for a more public consultation on the draft law;
- 2- Ensure that the National Council for Anti-Corruption be a truly independent institution, by considering the following conditions:
 - The term of the members of the National Council for Anti-Corruption should be extended until at least 9 years (*please revise Article 7*);
 - The budget of the National Council for Anti-Corruption should be allocated separately from the overall national budget (*please revise Article 16*);
 - The members of the National Council should be independent persons; neither being political party activists nor being acting officials working in the Executive and Legislative branches;
- 3- Include a provision to guarantee that the Chairman of Anti-Corruption Unit is not a member of the National Council for Anti-Corruption (*please revise Article 6*);
- 4- Make public the declaration of assets;
- 5- Add provisions to enhance the protection of witnesses and plaintiffs. Only this would encourage them to inform about any the corruption related matters. In this regard, Article 41 of the current proposed draft discourages any person from giving information about corruption to the authorities. Thus, this Article should be amended, in particular with regard to the threatening provisions on defamation.

As representatives of Cambodian civil society organizations, we hope that both the Royal Government and the Parliament will consider our recommendations seriously; and we therefore believe also that the Cambodian society will be able to reduce corruption in a transparent and accountable manner, and with the people’s participation in the country’s development.

For more information, please contact the below representatives:

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