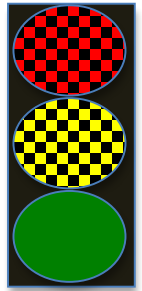


**Fact Sheet: Law on Peaceful Assembly (the “Demonstration Law”)****Law’s Current Status:** In force.**CCHR Classification:** GREEN

The Cambodian Center for Human Rights (“CCHR”) has classified the Demonstration Law green on grounds of its (i) increased specificity with regard to notification requirements, (ii) the values it pushes forward relative to previous governing law, and (iii) the objective test in determining legality of peaceful demonstrations. However, CCHR has some concerns over the Demonstration Law’s current misuse and misinterpretation. Laws classified as green are acceptable as whole in the opinion of CCHR if implemented correctly.

**Introduction**

This factsheet provides an overview of the Demonstration Law, improvements over the 1991 Law on Demonstrations (the “1991 Law”) and CCHR’s key concerns with regards the implementation of the Demonstration Law. CCHR is a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout the Kingdom of Cambodia (“Cambodia”).

**Scope of the Demonstration Law**

“Peaceful assembly” for the purposes of the law refers to a gathering or march conducted by a group of people to publicly demand, protest or express their sentiments, opinions or will by using various forms of means peacefully. The Demonstration Law extends to all peaceful gatherings or marches in Cambodia except electoral campaign rallies, gatherings related to labour disputes, and other gatherings for the purposes of serving religion, art, culture, national customs and tradition, and educational dissemination activities for social interests such as public forums.

Any group of individuals who wishes to organize a peaceful assembly at any public venue must notify local authorities in charge of that territory in writing at least five working days prior to the date of the proposed assembly (Articles 5-7). The requirement of a five-day notification period is longer than the previous three-day period required by the 1991 Law. However, unlike the 1991 Law, the Demonstration Law outlines the specific information needed in the notification letter to authorities. This improvement potentially makes it less likely for local authorities to reject requests based on procedural technicalities.

The Demonstration Law provides that territorial authorities shall approve requests unless the peaceful assembly is to be held on a holiday or there is clear information indicating the demonstration may cause danger or may seriously jeopardize security, safety and public order (Article 9). The objective requirement of “*clear information*” indicating the demonstration may cause danger or jeopardize public order as grounds for denial, is an improvement on the 1991 Law’s subjective requirement of “*if the authorities concerned think that demonstrations have characteristics conducive to causing turmoil, they can ban the demonstration [emphasis added].*” The Demonstration Law’s increased specificity of appropriate authority response to notifications of peaceful assembly is an improvement over the vague requirements in the 1991 Law.

One of the most controversial and misunderstood provisions of the new legislation is the creation of “freedom parks” within each capital and province by 26 June 2010 (Articles 14, 28). Many are concerned the law could be interpreted to require all peaceful assemblies be held inside freedom parks. However, as the law stands, freedom parks are not to the exclusion of other demonstrations at any public venue; they simply provide an alternative venue to publicly demonstrate, in which less notification time to local authorities is

needed. The number of participants for demonstrations at freedom parks however is limited to 200 whereas there is no limit on the number of people who may participate in general demonstrations.

### **CCHR's Key Concerns Relating to the Law**

CCHR is concerned some vague language in the Demonstration Law could be interpreted to enforce draconian limits on freedom of expression. Article 2 specifies that peaceful assembly *"shall not be used abusively affecting the rights, freedoms, and honor of others, good customs of the national society, public order and national security."* Some of these phrases could be subject to broad and subjective interpretation. Specifically, the phrase *"honor of others"* could potentially be interpreted to mean any peaceful assembly protesting the actions of another. The implementation guide for the Demonstration Law does not clarify these phrases, but does emphasize authorities must have *"clear information"* an assembly will jeopardize security, safety, or public order as grounds to stop it. The implementation guide defines clear information as a comprehensive assessment of the substantive evidence. Proper implementation of the Demonstration Law by authorities in accordance with the implementation guide is unlikely to infringe on the right to peaceful assembly.

CCHR's main concern regarding Demonstration Law is its misuse by authorities. In 2010, the Phnom Penh Municipality banned a large garment workers' forum. The approval of the ban by the Ministry of Interior on the basis of groundless concerns about public order and security shows how laws can be misinterpreted in an extreme manner to prevent Cambodians from peacefully assembling. More recently, workers from June Textile Factory were banned from marching to the Prime Minister's house in relation to a labour dispute and were instead only permitted to gather at the freedom park, despite the fact that the Demonstration Law does not require freedom parks to be used to the exclusion of demonstrations at other public venues. One teacher informed CCHR that an informal gathering of teachers held at another teacher's private residence was interrupted by police who said that by law they needed permission to hold the meeting. Police misinterpretation of the law to restrict the private gathering of a few teachers demonstrates further how the Demonstration Law has been misused to enforce gross violations of privacy and freedom of expression.

### **Conclusion/Recommendations**

CCHR commends the increased specificity with regard to notification requirements and the objective test incorporated into the Demonstration Law, however, voices concerns about its misuse and misinterpretation. In order to protect the right to peacefully assemble, the Demonstration Law must be used and interpreted in a way conducive towards ensuring freedom of expression. At the launch of public handbooks in March 2010 outlining the rights of demonstrators under a new law, Deputy Prime Minister Sar Kheng reiterated that the government was not banning freedom of expression through the law but promoting democracy and respect for the freedom of expression of the Cambodian people. It is fundamental that municipal authorities and law enforcement officers are appropriately trained on the scope of the Demonstration Law in accordance with the implementation guide. This will ensure its implementation in the spirit of assuring the freedom of expression of Khmer citizens through peaceful assembly to the maximum extent.

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CCHR classifies each law according to whether it passes the human rights principles test and is consistent with the Constitution and applicable domestic and international law. Laws that are classified green are acceptable as a whole in the opinion of CCHR, if implemented correctly; laws classified yellow contain a number of concerns that should be reviewed and amended; and laws classified red are draconian, in violation of the Constitution and/or applicable domestic and international law, and/or fail the human rights principles test, and should therefore be rejected, annulled or re-drafted, as appropriate.