

Fact Sheet: Ban on Assemblies, Marches and Demonstrations in Cambodia**Timeline:** January 2014

Snapshot: The recent decision by the Royal Government of Cambodia (the “RGC”) to issue an indefinite ban on all future demonstrations, assemblies, or marches, is disproportionate and violates the right to freedom of peaceful assembly. This, paired with the excessive use of force by security forces against demonstrations, is characteristic of the currently deteriorating human rights situation in the Kingdom of Cambodia (“Cambodia”).

Introduction

This factsheet provides an overview on the restrictions on the right to freedom of peaceful assembly in Cambodia, despite protections provided for under Cambodian constitutional, domestic and international law. The RGC often restricts its citizen’s right to assemble. The recent ban on all assemblies, marches, and demonstrations, in reaction to protests by the opposition and by garment workers, is the most recent step taken to infringe upon this right.

This factsheet is written by the Cambodian Center for Human Rights (“CCHR”), 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 Cambodia.

Case Background

On 4 January 2014, the Ministry of Interior issued a press release stating that there was to be an indefinite ban on further demonstrations, assemblies, or marches until “public order and security are restored”. The Phnom Penh Municipal Hall also sent a letter to Sam Rainsy, president of the opposition Cambodian National Rescue Party (“CNRP”), rejecting the notification of future CNRP protests and stating that the CNRP will not be authorized to hold marches or demonstrations until security and public order are guaranteed. In addition, the newspaper *Koh Santepheap* reported on 6 January that the district governor of Russey Keo in Phnom Penh called on the police to disband gatherings of more than ten persons.

This ban is being implemented in the context of an ongoing political deadlock: since the July 2013 National Assembly elections, the CNRP has boycotted the National Assembly, citing election irregularities and holding regular mass demonstrations. More recently, Cambodia has been the scene of a violent crackdown by security forces on protests by the CNRP and by garment workers, the latter of whom are demanding higher minimum wages. The crackdowns have resulted in the death of at least five individuals, dozens of injuries and the arrest of at least 23 people.

The ban was tested on 6 January 2014 with the temporary arrest of five Boeng Kak lake activists who attempted to deliver a petition to the French Embassy asking for the release of ten peaceful demonstrators arrested on 2 January 2014. In contrast, the ruling Cambodian People’s Party (“CPP”) held a “Victory Day” event in commemoration of the 7 January 1979 defeat of the Khmer Rouge, an event which was attended by several thousands of CPP supporters – in clear contradiction with the RGC’s own ban on assemblies. Yet, on 9 January 2014, a group of nine CNRP youth activists, were prevented from accessing Freedom Park by municipal security guards and gendarmes.

The Right to Freedom of Peaceful Assembly

The right to freedom of assembly is promoted and protected by Article 41 of the Constitution of the Kingdom of Cambodia (the “Constitution”) which provides that Khmer citizens shall have the right to “*freedom of expression, press, publication and assembly.*” In addition, Article 31 of the Constitution incorporates the Universal Declaration on Human Rights and international covenants and conventions related to human rights, including the International Covenant on Civil and Political Rights (the “ICCPR”) into domestic law, which was ratified by Cambodia in 1992. The direct applicability of international human rights norms in Cambodian courts was further reaffirmed by a decision of the Constitutional Council on 10 July 2007.

The right to freedom of peaceful assembly is guaranteed under Article 21 of the ICCPR which provides guidance on the acceptable restrictions to freedom of assembly, stating that “*no restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary*” to ensure “*national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.*” Restrictions to the right to freedom of assembly are permitted only in very narrowly defined circumstances and must be proportionate to the aim pursued. Moreover, Article 35 of the Constitution provides that all Khmer citizens shall have the right to participate actively in the political life of the nation. However, the implementation of the ban further impedes the fulfilment of that right.

Conclusion

The current blanket ban on assemblies in Cambodia is grossly disproportionate and excessively broad, as it is indefinite in time and bans all demonstrations, assemblies and marches in Cambodia. Any ban should be strictly limited in time rather than based on the subjective assessment of “public order and security” being restored. For instance, a ban of only 48 hours would have been sufficient and could have been justified to restore security. However, the ban has now been in place for seven days. In addition, it seems difficult to justify and it appears to be seriously excessive to ban all demonstrations, assemblies and marches in the entire country when protests only affected certain areas of the city of Phnom Penh. It is thus clear that such a broad ban on assemblies is politically motivated and serves the only purpose of protecting the current government from criticism by garment workers and by the political opposition.

CCHR believes that the indefinite ban on all demonstrations, marches and assemblies is seriously disproportionate and excessively broad and thus, in clear violation of international and domestic provisions protecting freedom of assembly. Between this blanket ban on assembly, and the excessive use of force used by security forces against protestors, the RGC is sending a clear message regarding the freedom of expression of Cambodian citizens: that there is little room left for opinions which differ from the ruling party’s. CCHR calls on the RGC to immediately repeal the current ban of all assemblies, marches and demonstrations in Cambodia and to take steps to ensure that such restrictions on the freedom of peaceful assembly are prohibited in the future.

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