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Cambodia: Authorities must ensure right to freedom of peaceful assembly on Human Rights Day

The Cambodian authorities must take positive steps to facilitate the right to freedom of peaceful assembly on 10 December, International Human Rights Day, and refrain from arbitrarily preventing people from taking part in activities to commemorate this event throughout the country.

Earlier this month, the Phnom Penh Municipality announced that it “will not allow” a Human Rights Day parade, organised by the Cambodian NGO Working Group for International Human Right Day and scheduled to take place in Phnom Penh on 10 December due to concerns for security and traffic. The parade, which was set to go from the National Assembly to the capital’s “Freedom Park” and was expected to attract 5,000 people, has been organised for several years without incident.

The right to freedom of assembly – that is, the right for people to come together for a wide range of reasons including to express their views – is guaranteed by the Cambodian constitution, as well as human rights instruments which Cambodia is a party to, including the International Covenant on Civil and Political Rights (ICCPR). ICCPR Article 21 permits restrictions on the right to freedom of assembly in the name of certain specific public interests, including national security and public order. However, such restrictions must be demonstrably necessary and proportionate to achieve the stated purpose.

In June, Amnesty International published a detailed analysis of the right to freedom of peaceful assembly in Cambodia which found that, in recent years local authorities have routinely misinterpreted Article 5 of the Cambodian Law on Peaceful Demonstrations (LPD) by viewing a notification requirement for assemblies as a requirement for permission.

This misinterpretation of the LPD violates the right to freedom of peaceful assembly which, as noted by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai (the Special Rapporteur), “should not be subject to previous authorization by the authorities”.

The LPD does permit local authorities to prevent demonstrations where there “is clear information indicating that the demonstration may cause danger or may seriously jeopardize security, safety and public order”. In the case of the 10 December parade however, the authorities have failed to provide such information, offering instead a broad and sweeping concern for security and traffic as grounds for prohibiting the event.

The Special Rapporteur has stated that “prohibition should be a measure of last resort” which may only be used “when a less restrictive response would not achieve the legitimate aim(s) pursued by the authorities”. In the instant case, the authorities appear to have issued a ban on the parade without considering alternative measures.

In order to uphold the right to freedom of peaceful assembly, the Cambodian authorities should refrain from relying on broad grounds to prevent people celebrating International Human Rights Day, including those planning to take part in the parade, and should take measures to ensure that peaceful activities, including demonstrations, parades and other assemblies, go ahead without arbitrary interference.

Background

International Human Rights Day has a longstanding history in Cambodia. For many years, people across the country have observed the event, which falls on the anniversary of the coming into being of the Universal Declaration of Human Rights on 10 December 1948, through a wide range of activities including parades and public forums.

Throughout this week, in the run-up to 10 December, a number of marches have been taking place across the country as part of the annual celebrations organised by an informal network of communities, associations and human rights groups known as “Friends of December 10th” under the theme of “Justice”. These marches along the country’s national roads, involving community members, monks and staff from human rights groups have been peaceful and have taken place in a spirit of celebration. They will converge on Phnom Penh on 10 December.

The announcement by Phnom Penh Municipality that “it will not allow” parades on 10 December comes at a time of heightened political tensions between the ruling Cambodian People’s Party and the opposition Cambodian National Rescue Party and followed a decision by the government to cancel boat races in Phnom Penh for the Water Festival in November.

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