



Kingdom of Cambodia
Nation Religion King



Implementation Guide to the Law on Peaceful Demonstration



Ministry of Interior

**Royal Government of Cambodia
Ministry of Interior**

No.: 2337 Sar.Sar.Ro

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Nation Religion King**

**Decision
On
The introduction of the Implementation Guide to the Law on Peaceful
Demonstration**

Deputy Prime Minister, Minister of the Ministry of Interior

- Having seen the Constitution of the Kingdom of Cambodia
- Having seen the Royal Kram no. NoSar/RokorTor/0908/1055, dated 25 September 2008, on the Appointment of the Royal Government of the Kingdom of Cambodia
- Having seen the Royal Kram no. 02NoSar/94, dated 20 July 1994, promulgated the Law on Organization and Functioning of the Council of Ministers
- Having seen the Royal Kram no. NoSar/RoKorMo/0196/08, dated 24 January 1996, promulgated the Law on the Establishment of the Ministry of Interior
- Having seen the Royal Kram no. NoSar/RoKorMo/0508, dated 24 May 2008, promulgated the Law on the Administration of Capital, Provinces, Municipalities, Districts and Khans
- Having seen the Royal Kram no. NoSar/RoKorMo/1209/025, dated 05 December 2009, promulgated the Law on Peaceful Demonstration
- Having seen the Royal Kram no. 16 OrNoKror, dated 20 December 1993, On the Organization and Functioning of the Ministry of Interior
- As it is a necessity

Decides

Article 1

To introduce the “Implementation Guide to the Law on Peaceful Demonstration” as a basic tool to assist the relevant competent authorities and citizens in respecting and complying with the Law on Peaceful Demonstration.

Article 2

The relevant competent authorities shall carry out their roles and duties in accordance with the Law on Peaceful Demonstration and the guidance as defined in the Implementation Guide.

Article 3

General-Secretaries of the General-Secretariats, General Commissioner of the National Police’s General Commissariat, General Directors of the Local General Departments, President of the Legislation Council, Administrators of the capital, provinces and the relevant competent authorities shall abide by this Decision in an effective manner from the signed date onwards.

Phnom Penh capital, 08 December 2010
Deputy Prime Minister, Interior Minister

Recipients:

- General-Secretariat of the Senate
- General-Secretariat of the National Assembly
- Office of the Council of Ministers
- Ministry of Social Affairs, Veterans and Youth Rehabilitation
- Ministry of Labor and Vocational Training
(For information)
- As mentioned in Article 3 “for implementation”
- Documentation- Archives

Sar Kheng

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Foreword

The Royal Government of Cambodia has endeavored and achieved significantly in both national and international frameworks. Meanwhile, the strengthening of democracy and rule of law are also being paid close attention to through the drafting and adoption of laws aimed at assuring the exercise of rights and freedoms of citizens consistent with the improvement of the country from its present circumstance.

To comply with the Royal Government's policies at the fourth legislature of the National Assembly, the Ministry of Interior, in close co-operation with civil society, developed a draft law on peaceful demonstration. The Law on Peaceful Demonstration was adopted by the National Assembly and approved by the Senate, and was promulgated by His Majesty the King through Royal Code No: NorSor/RorKorMor/1209/025, dated December 05, 2009. This Law substituted the law on demonstration promulgated by Decree No: 115 Kror, dated December 28, 1991 of the National Council of the Kampuchea State.

The purpose of this law is to protect peaceful demonstrations in connection with protecting the rights of other citizens.

The right to hold peaceful demonstration is a right recognized by article 41 of the Constitution of the Kingdom of Cambodia and the International Covenant on Civil and Political Rights, ratified by the Royal Government of Cambodia. The right to peaceful demonstration is a cornerstone of any democracy as it is linked to freedom of expression. At the same time, those who exercise the right and freedom to hold peaceful demonstrations shall act in accordance with the law, that is to say they shall not infringe on the rights and freedoms of others, or jeopardize national security, public safety or public order.

In implementing this law, the implementing authorities shall have the duty to adhere to the following guiding principles.

This law is an enabling law that will ensure that demonstrations can take place in a peaceful manner. Therefore, implementing authorities at the Provincial and Municipal levels should be in favor of holding peaceful demonstrations, except for the cases where there could be a real and actual threat to national security, safety and public order.

Any restrictions that are placed on demonstrations should be appropriate. Authorities should show restraint in using force against demonstrators and should create an environment that will be conducive to holding demonstrations peacefully.

The law must be applied to all people equally and in a way that abolishes discrimination. The right to peacefully assemble is a right that should be enjoyed by all citizens, regardless of ethnicity, gender, political opinion or other.

Authorities shall be flexible when dealing with demonstrations. In applying this law, authorities, organizers and demonstrators shall work cooperatively together to assure demonstrations are peaceful.

This new law will assist citizens and authorities in protecting the right to assemble peacefully, and assure that Provincial and Municipal authorities take responsibility for the implementation of this law.

The Ministry of Interior, along with civil society, has developed this instruction on all procedures relevant to the implementation of the Law on Peaceful Demonstrations, which aims to provide guidance to those making use of this new law.

This Implementation Guide of this law will elaborate on some of the guiding principles to assist both citizens and implementing authorities to comply with the law.

The Ministry of Interior anticipates that all municipal and provincial authorities will focus their attention on their responsibility to implement this law in accordance with the wishes of our citizens.

Section I: Definition, Purpose and Scope of Implementation

1. Definition

The term “peaceful demonstration” refers to a gathering or a march conducted by a group of people to publicly demand, protest or express their sentiments, opinions or will by peacefully using various forms or means. (Article 4)

2. Purpose

2-1. The purpose of this law is to assure freedom of expression of all Khmer citizens through peaceful demonstration, but this right shall not be used abusively affecting the rights, freedoms and honor of others, good customs of the national society, public order and national security. (Article 2)

2-2. *Clarification:*

2-2-1. *Article 2 indicates that this law is to enable persons to peacefully demonstrate.*

2-2-2. *Restrictions on a demonstration can be imposed if it affects national security or public safety, public order and the rights and freedoms of others.*

2-2-3. *Those participating in a demonstration must not improperly affect the rights of those not a part of the demonstration.*

3. Scope of Implementation

3-1. This law applies to all peaceful gatherings or marches, except those:

3-1-1. during election campaign rallies;

3-1-2. related to a labor dispute and that also take place inside, outside or adjacent to the fence of a factory, enterprise or other institution;

3-1-3. that are part of a parade, funeral procession or other gathering to serve religion, art, culture, national customs and tradition or educational dissemination activities for social interests. [Article 3]

3-2. *Clarification:*

3-2-1. *Examples of “gatherings” not covered by this law, whether on public or private property:*

a. *People coming together for purposes other than a public protest.*

b. *Meetings to discuss and find solutions for any particular issue.*

c. *“Educational dissemination activities” including:*

- *Trainings*
- *Workshops*

- *Public forums*
- *Press conferences*

d. *Strikes and labor union elections.*

e. *Gatherings for a strike a reasonable distance outside a factory.*

Section II: Procedures for a Peaceful Demonstration

1. Procedures for organizers

1-1. Individuals wishing to organize a peaceful demonstration at a public location must notify the competent municipal or provincial territorial authorities in writing. [Article 5]

1-2. The notification letter must provide the following information:

1-2-1. the family name, given name and permanent address for three leaders, with a photocopy of their Khmer national identification cards;

1-2-2. the purposes for the demonstration;

1-2-3. the date, time and duration of the demonstration, the locations and roads to be used in the demonstration, the expected number of participants, and the number and type of vehicles that will be involved. [Article 6]

1-3. *Clarification:*

1-3-1. *Demonstrations may be on any topic permitted by law.*

1-3-2. *There is no limit to the number of people who may participate in a general demonstration.*

1-3-3. *A demonstration should be allowed to proceed even if the organizers under-estimate the number of demonstrators or the number/type of vehicles, unless the estimated numbers differ significantly from the number in the demonstration and the demonstration threatens public order.*

1-3-4. *The notification letter need not disclose how the demonstrators are traveling to the site of the demonstration.*

2. Notification procedures

2-1. Unless the demonstration is being conducted at a Freedom Park or on private or collective property, the notification letter must be submitted to the municipal or provincial hall at least five working days before the scheduled date of the demonstration. [Article 7]

2-2. If the demonstration is being held at a Freedom Park, or on private or collective property, the notification letter must be submitted to the competent municipal or provincial authority at least twelve hours in advance on working

days, or at least 36 hours in advance during holidays. However, the maximum number of people who can demonstrate at a Freedom Park is 200. [Article 14]

2-3. If two or more groups want to hold a demonstration at the same time and place, the competent territorial authorities shall decide in favor of the group that first filed its notification letter. Alternatively, authorities may allow the other group to hold the assembly at another venue that is at least 500 meters away. [Article 14]

2-4. *Clarification:*

2-4-1. *If no response to a notification letter is received from the competent authorities, the demonstration may proceed without being dispersed.*

2-4-2. *Provincial or municipal halls are the “competent territorial authorities” who should be notified, regardless of where the demonstration is to be held.*

2-4-3. *The notification letter for a demonstration being held at a Freedom Park or on private or collective property need only include signatures or thumbprints of three leaders, and copies of their national identity cards.*

2-4-4. *If a demonstration is held at a Freedom Park and very few more than 200 demonstrators attend, authorities should allow the demonstration to proceed unless it threatens public order.*

2-4-5. *Authorities should use their best efforts to assure that all groups wanting to demonstrate are able to do so and that, to the extent possible, all groups are able to demonstrate in the manner, time and location they requested.*

2-4-6. *NGOs may hold demonstrations on their private compounds.*

3. Freedom Parks

3-1. A Freedom Park is place for holding peaceful demonstrations or public expression. Each capital and province must create a Freedom Park by June 6, 2010. The Freedom Park must be a compound or center that the general public can easily hear and see. [Article 28]

3-2. Demonstrations at Freedom Parks must be held between 6 a.m. and 6 p.m. [Article 14]

3-3. *Clarification:*

3-3-1. *A Freedom Park should be located in the center of the municipality or provincial capital. It should not be in a quiet place, demonstrators have a right to be heard.*

3-3-2. *Demonstrations at Freedom Parks or on private property are limited to 200 participants; however, authorities should consider and balance the implementation of this law in accordance with the reality. Even though the law fixes a limit of 200 participants for demonstrations at Freedom Parks or*

on private property, authorities may be flexible if the demonstration is not causing public disturbance.

Section III: Responsibilities of the Authorities and the Organizers of Demonstrations

1. Obligations of competent authorities who receive notice of a peaceful demonstration

1-1. When a municipal or provincial hall receives a notification letter, it must:

1-1-1. issue an acknowledgement receipt in writing;

1-1-2. post the notification letter immediately at a visible place in its administrative building or on its official homepage;

1-1-3. deliver copies of the notification letter to the local police station, gendarmerie station and other relevant authorities. [Article 8]

1-2. The municipal or provincial territorial authorities must respond positively in writing to a notification letter unless:

1-2-1. the demonstration is to be held on the King's birthday, Coronation day, Water Festival, National Independence day, Khmer New Year day or Pchum Ben day; or

1-2-2. there is clear information indicating that the demonstration may cause danger or may seriously jeopardize security, safety and public order. [Article 9]

1-3. The authorities' response must be given with three working days from when the notification letter was submitted. If the authorities fail to respond by the due date for holding the peaceful demonstration, that implies the authorities have approved. [Article 10]

1-4. *Clarification:*

1-4-1. *Those who have provided the proper notification to the government are entitled to demonstrate as set out in the notification letter unless the government informs them of the need for restrictions.*

1-4-2. *Approval is implied if the municipal or provincial territorial authorities fail to respond to a notice of demonstration within 3 working days.*

1-4-3. *Official Royal Government holidays should not be counted as part of the period in which the competent authorities must respond to a notification letter.*

1-4-4. *This law is designed to assist citizens and authorities in protecting the right to assemble peacefully, and assure that Provincial and Municipal authorities take responsibility for the implementation of this law.*

2. Obligations of competent authorities if there is “clear information indicating that the demonstration may cause danger or may seriously jeopardize security, safety and public order”

2-1. If competent municipal or provincial territorial authorities have clear information showing that the demonstration may cause danger or seriously jeopardize security, safety and public order, they must immediately notify the organizers of the demonstration so that they will have time to meet with local authorities and other relevant authorities to discuss solutions. [Article 11]

2-2. If the organizers and the local authorities cannot reach an agreement, the municipal or provincial authorities must request that the Minister of Interior provide a decisive opinion. [Article 12]

2-3. The decision of the Minister of Interior shall be given in writing and delivered to the organizers of the demonstration at least 24 hours before the scheduled start of the demonstration. Copies of decisions and details of the agreed revision shall be delivered to the relevant authorities and other authorities whose territories may be affected by the peaceful demonstration. [Article 13]

2-4. *Clarification:*

2-4-1. *If the municipal or provincial territorial authorities believe there is “clear information indicating that a demonstration may cause danger or may seriously jeopardize security, safety and public order,” they must:*

a. consider and assess that information to determine whether it can be substantiated, and

b. notify and collaborate with the organizers to develop solutions that eliminate the potential dangers so that the demonstration can proceed.

2-4-2. *The authorities need to make a comprehensive assessment of the information received, and not just accept it. They may decide that the information does not demonstrate a clear risk of danger and reject it. If there is clear information that a demonstration may cause danger, there are three days for an agreement to be reached between the leaders and authorities.*

2-4-3. *Rumors, unsubstantiated suspicions, and other unspecified information cannot be considered “clear information indicating that the demonstration may cause danger or may seriously jeopardize security, safety and public order.” If “clear information” does not exist, the demonstration must be allowed to proceed.*

2-4-4. *A demonstration that protests or supports a particular Government policy or decision does not necessarily “cause danger or ... seriously jeopardize security, safety and public order.”*

2-4-5. *The risk that a demonstration will cause a traffic jam does not necessarily “cause danger or ... seriously jeopardize security, safety and public order.”*

2-4-6. *Authorities and organizers should immediately meet to discuss solutions and possible ways to cooperate so that the demonstration can take place. Both authorities and organizers shall make an effort to find a common solution.*

2-4-7. *If the municipal or provincial territorial authorities and the organizers of a demonstration cannot develop solutions to eliminate the potential dangers, the authorities shall request the Minister of Interior to provide a decisive opinion. When requesting such an opinion, the municipal or provincial authorities should provide the Minister with: the information indicating that a demonstration may cause danger or may seriously jeopardize security, safety and public order; the solutions they propose; and the solutions the organizers propose.*

3. Obligations of competent authorities during a demonstration

3-1. If the demonstration will march on public roads, the local officials must collaborate with police and gendarmerie officers to designate a route that is appropriate to avoid serious disturbance to businesses, services, commercial or other trading activities. [Article 15]

3-2. Authorities must take measures to protect the demonstration. They must not interfere with the conduct of a peaceful demonstration. In addition, if requested by the leaders of a peaceful demonstration, the authorities shall use their best efforts to ensure that the demonstrators' rights to peaceful demonstration and expression are protected. [Articles 17-18]

3-3. The authorities who are designated to maintain order at a demonstration must wear proper uniforms and display their name plates and identity codes. [Article 19]

3-4. Authorities must show absolute patience with demonstrations, and must not disperse demonstrations that have been approved either explicitly or implicitly. However, if a demonstration turns violent, the authorities shall take appropriate measures to prevent the violence and stop the demonstration. In addition, even if a demonstration is peaceful, the authorities may stop the demonstration if the procedures for submitting a notification letter were not followed. [Articles 19-20]

3-5. Any official who violates the obligations set out in Article 17, 18 and 19 must be warned in writing. [Article 22]

3-6. *Clarification:*

3-6-1. *Territorial authorities and their assigned representatives should cooperate with the organizers of a demonstration to agree on the route that a march on public roads will take.*

3-6-2. *Territorial authorities and their assigned representatives shall make the traffic convenient to avoid disturbance to businesses.*

3-6-3. *Territorial authorities and their assigned representatives shall not interfere with the conduct of demonstration and shall help the demonstration's leaders if they request for assistance.*

3-6-4. *Demonstrations should only be dispersed when no other options exist. Territorial authorities and their assigned representatives should refrain from dispersing demonstrations even if the demonstrators use derogatory words. Authorities should first try to isolate troublemakers and/or contain violence before dispersing a demonstration.*

3-6-5. *Police intervention must be proportional to the situation, and only be to the extent necessary to promptly restore order.*

3-6-6. *It is important to guard against a situation where outsiders try to cause trouble so that the police will disperse a demonstration or seek to hold the organizers responsible for damage or harm.*

3-6-7. *Even though a demonstration is peaceful, competent authorities may stop the demonstration if no notification was submitted. In this case, the competent authority shall have the right to make the decision based on the actual circumstances.*

4. Obligations of those organizing a peaceful demonstration

4-1. The right to peacefully demonstrate shall not be used abusively so that it affects the rights, freedoms and honor of others, good customs of the national society, public order or national security. [Article 2]

4-2. Leaders of peaceful demonstrations are responsible to take appropriate measures so that the demonstration will proceed peacefully, and shall:

4-2-1. inform participants of their responsibilities under the law;

4-2-2. discuss and collaborate with local officers and authorities to ensure that the demonstration proceeds peacefully; and

4-2-3. conduct the demonstration orderly and in compliance with the designated time and location of the demonstration. [Article 16]

4-3. The leader of a demonstration who violates his obligations must be warned in writing. [Article 21]

4-4. *Clarification:*

4-4-1. *Even if the leaders of a demonstration are warned in accordance with Article 21, this does not automatically prevent them from being leaders of demonstrations in the future if they comply with their obligations under this law.*

4-4-2. *If an outsider enters a demonstration and causes problems, the leaders should immediately ask the authorities to remove that person and the authorities should meet that request.*

Section 4: Procedure Dealing with Offenses and Penalty Provisions

1. Obligations of local officials if someone threatens to disrupt a peaceful demonstration, and if a peaceful demonstration turns violent

1-1. Authorities must confiscate any tools carried by a demonstrator that may be used to harm others; authorities must also forbid a demonstrator from interfering with the rights or freedoms of others. If the individual refuses to give the authorities the tool or stop the offensive acts, the authorities shall temporarily take the person into custody. If the individual committed no other improper acts, he should be released as soon as the demonstration is over. However, if a demonstrator carries weapons or explosive substances, the authorities shall confiscate those items and arrest the individual. [Articles 23-24]

1-2. Anyone who commits larceny, robbery or causes damage to property during a demonstration shall be punished according to criminal laws in force. [Article 25]

1-3. If a demonstration turns violent and causes damage to property, the perpetrators and accomplices are obligated to pay compensation. If they are not able to pay the compensation, the matter should be submitted to court. [Article 26]

1-4. If a demonstration turns violent, those who caused injury to either authorities or demonstrators shall be punished according to the criminal law. [Article 27]

1-5. *Clarification:*

1-5-1. If the competent authorities find that the demonstration leaders are not involved in offenses committed during the demonstration, they shall not be held responsible.