



អង្គការសហប្រជាជាតិ
ការិយាល័យនៃឧត្តមស្នងការអន្តរជាតិបណ្ឌិតសិទ្ធិមនុស្សប្រចាំកម្ពុជា

**Statement of the United Nations Office of the High Commissioner for Human Rights
in Cambodia**

Phnom Penh, 17 December 2009

“Time to fully respect the right to freedom of assembly”

On 10 December, Human Rights Day, almost two thousand people assembled together in the capital to march peacefully to express their views on a number of human rights issues.

This march, organized by the Cambodian Human Rights Actions Committee (CHRAC), was one of the largest public acts of expression in Cambodia in recent years. For the first time, the march was authorized to walk across the city, no caps were put on numbers, and the police assisted the march by clearing the road ahead to allow it to proceed without hindrance. The Ministry of Interior and Municipality should be commended for their support and assistance to the event.

As in previous years, the march proceeded peacefully, free of violence or intimidation. Nonetheless, like in the last two years, permission was only granted by the authorities on the eve of the march, making it difficult to organize and plan. The grounds given for this delay have been concerns about public security.

The right to peaceful assembly is recognized in the Constitution, as well as in the International Covenant on Civil and Political Rights, to which Cambodia is a party. The right is one of the foundations of a developing civil society and of a functioning democracy. Its protection is crucial in allowing for differences of views to be expressed and for people to freely participate in the shaping of public policies concerning their lives.

While peaceful assembly is not an absolute right, it should only be restricted when in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

Shortly, a new law governing peaceful demonstrations will enter in to force, replacing the 1991 Demonstrations Bill. In the new law, a peaceful demonstration is defined as “*any gathering or procession made by a group of people to demand, protect or express publicly their feelings/sentiments, ideas/opinions or will by using peacefully various forms or means.*” The new law requires organizers of a demonstration to inform the authorities ahead of it and to coordinate with them to ensure that it proceeds in an orderly manner. They are not required to seek permission. This reflects the spirit of this

fundamental freedom, which can only be restricted by the authorities on the exceptional grounds mentioned above.

While the new draft law constitutes progress in some areas, as compared to the current law, the true test will lie in its good-faith interpretation and implementation in the spirit of the Constitution and human rights standards.

In recent years, many peaceful demonstrations have been prohibited or restricted for symbolic events to the extent that they have almost ceased to exist, as people have grown fearful of expressing their views and assembling peacefully to do so. In the past three years, Human Rights Day celebrations have demonstrated that large public gatherings and marches can be conducted peacefully and do not pose a public threat. It is time for the authorities to acknowledge this, and to effectively promote and protect this right, important for the development of Cambodian society.

The OHCHR will continue to work closely with civil society and the relevant authorities to support their efforts to make this right a reality.

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The Office of the High Commissioner for Human Rights (OHCHR) is the principal United Nations agency responsible for the promotion and protection of human rights. OHCHR has been operating in Cambodia since 1993.

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