

**Fact Sheet:** Fundamental Freedoms Series: Freedom Parks

**Fundamental Freedom:** Freedoms of Expression and Assembly



**Snapshot:** There are concerns about the misuse of the 2009 Law on Peaceful Assembly (the “Demonstration Law”) to suppress freedom of expression and assembly in the Kingdom of Cambodia (“Cambodia”), specifically the disturbing drift towards restricting peaceful gatherings or protests to “freedom parks”, in contravention of the Demonstration Law and the freedoms of expression and assembly as enshrined in domestic and international law.

### **Introduction**

This fact sheet gives an overview of the use of “freedom parks” in Cambodia – introduced into the Cambodian lexicon and consciousness by the Demonstration Law – in particular, the concern that freedom parks are being used to restrict the freedoms of expression and assembly in Cambodia. This fact sheet is written by the Cambodian Center for Human Rights (“CCHR”), a non-aligned, independent, non-governmental organization (“NGO”) that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout Cambodia.

### **The fundamental freedoms – domestic and international law**

The rights to freedom of expression and assembly are protected and promoted under Cambodian law. Article 35 of the Constitution of the Kingdom of Cambodia (the “Constitution”) provides that all Khmer citizens shall have the right to participate actively in the political life of the nation. Article 41 states that all citizens shall have freedom of expression and freedom of assembly. Article 31 states that Cambodia shall recognize and respect the Universal Declaration of Human Rights (the “UDHR”) and the covenants and conventions related to human rights, thereby incorporating the UDHR and the International Covenant on Civil and Political Rights (the “ICCPR”) into domestic law. Article 19 of both the UDHR and the ICCPR, the latter of which Cambodia acceded to and ratified in 1992, provide for the right to freedom of expression of everyone, while Article 20 of the UDHR and Article 21 of the ICCPR provide for freedom of assembly.

### **The Demonstration Law and freedom parks**

The Demonstration Law was passed on 17 November 2009. Its stated purpose is to guarantee the freedom of expression of Khmer citizens through peaceful assembly without negatively affecting the rights, freedoms and honor of others, or customs, public order, or national security. The Demonstration Law’s scope extends to all peaceful gatherings or protests in Cambodia, except: electoral campaign rallies; gatherings related to labor disputes; parades; funeral processions; other gatherings for the purposes of serving religion, art, culture, national customs and tradition; and educational dissemination activities for social interests. The Demonstration Law requires “freedom parks” to be created within each provincial capital. Freedom parks are designated locations where peaceful demonstrators can demonstrate on the condition of 12 hours’ notice, instead of the five days’ notice required by the Demonstration Law to demonstrate generally. However, the Demonstration Law limits the number of demonstrators in freedom parks to 200 people, while there is no limit for general demonstrations.

### **Risks of implementation – freedom parks**

As the Demonstration Law is drafted, freedom parks are not intended to be used as a premise to prohibit peaceful gatherings or demonstrations at other public venues; rather, they are supposed to

provide an alternative venue for people to gather or demonstrate publicly, whereby less notice is required to be given to the relevant authorities. There are, however, concerns that the Demonstration Law will be misused by the authorities to require that all peaceful gatherings or demonstrations be held inside freedom parks. Such implementation of the Demonstration Law violates the Constitution, the UDHR and the ICCPR, since it serves to stifle the rights to freedom of expression and assembly: under Cambodian law, people should not be restricted by location in this regard. Another concern with freedom parks is that they could be located where few citizens can see or hear those peacefully assembling or demonstrating, which defeats the object of demonstrations or protests, namely to voice concerns and express views, often in order to influence government leaders, local authorities and the general public. Citizens have complained that Phnom Penh's freedom park is located far away from the National Assembly and other state buildings containing the individuals whom people peacefully assembling or demonstrating would most hope to influence. The response given was that such a location would prevent disruption of the lives of lawmakers and government officials. Draconian restrictions on the right to peaceful assembly, such as requiring that demonstrations and protests be held in a limited number of places out of the eye of the local and national authorities, are a grave violation of Cambodians' rights to freedom of expression and assembly. Another fear – especially given that the majority of freedom parks have not yet been introduced into provincial towns, as prescribed by the Demonstration Law – is that the lack of freedom parks, coupled with restrictions on gathering elsewhere, will further trample upon people's rights to these fundamental freedoms.

### **Fears become reality**

In June 2011 employees of the June Textile Factory were banned from marching to Prime Minister Hun Sen's house to seek resolution in a labor dispute. The Cambodian Confederation of Unions and 350 workers from the factory in Sen Sok district who were demanding higher compensation, were only permitted to gather in Phnom Penh's freedom park. This instance is an example of the Cambodian authorities' stifling citizens' freedoms of expression and assembly by restricting people to freedom parks. In fact, under the Demonstration Law, not only are all peaceful gatherings and protests legally allowed to take place in any reasonable public place rather than just in freedom parks, but also the June Textile Factory workers were demonstrating because of a labor dispute, which means that this example actually falls outside the scope of the Demonstration Law, *i.e.*, there should be no connection between this demonstration and freedom parks.

### **Conclusion**

The rights to freedom of expression and assembly are protected under domestic and international law. Under the Demonstration Law, the creation of freedom parks does not infringe upon these rights; rather, it creates an alternative venue in which concerns can be expressed whereby the notification obligations are less onerous. However, there are grave concerns over abuse – actual and potential – of the Demonstration Law by local and national authorities so as to restrict Cambodians' rights to freedom of expression and assembly by limiting peaceful gatherings and demonstrations to freedom parks.

**For more details please contact Ou Virak (tel: +855 (0) 1240 4051 or e-mail: [ouvirak@cchrcambodia.org](mailto:ouvirak@cchrcambodia.org)) or Robert Finch (tel: +855 (0) 7880 9960 or e-mail: [robert.finch@cchrcambodia.org](mailto:robert.finch@cchrcambodia.org)).**