# The Right to Freedom of Peaceful Assembly in Relation to Land Disputes in Cambodia in 2018-2019

**Freedom of peaceful assembly is the right to gather publicly or privately and collectively express, promote, pursue and defend common interests, in a peaceful manner.**

## Domestic Law

**The Constitution of the Kingdom of Cambodia**

**Article 41**:
All Khmer citizens have the right to "freedom of expression, press, publication and assembly"

## International Human Rights Law

**Article 21** of the **International Covenant on Civil and Political Rights** (ICCPR)

- requires States Parties to guarantee the right to freedom of assembly

The right to freedom of assembly may only be subject to restrictions that are:

- ✓ provided for by law, and
- ✓ necessary in a democratic society
- ✓ for a) respect of the rights or reputations of others, or b) the protection of national security or of public order, or of public health and morals.

International legal standards dictate that any **use of force** during peaceful assembly must comply with the principles of:

- ✓ **legality**
- ✓ **precaution** (all feasible steps must be taken in planning, preparing, and conducting an operation to avoid or, when force is unavoidable, minimize the use of force),
- ✓ **necessity** (the least harmful means of force available must be used in every context),
- ✓ **proportionality**

The **Cambodian legal framework regulating the state's use of force** at assemblies is strong and, on paper, complies with these international standards:

- **Law on Peaceful Demonstration:** Article 20(2), 23-27
- **Implementation Guide to the Law on Peaceful Demonstration:** Article 3-6-4
  - an assembly can only be dispersed "when no other option exists"
  - any intervention by the police must be proportional to the situation, and be only used to the extent necessary to promptly restore order

**Violations of the Right of Peaceful Assembly & Use of Judicial Harassment to Deter Protesters**

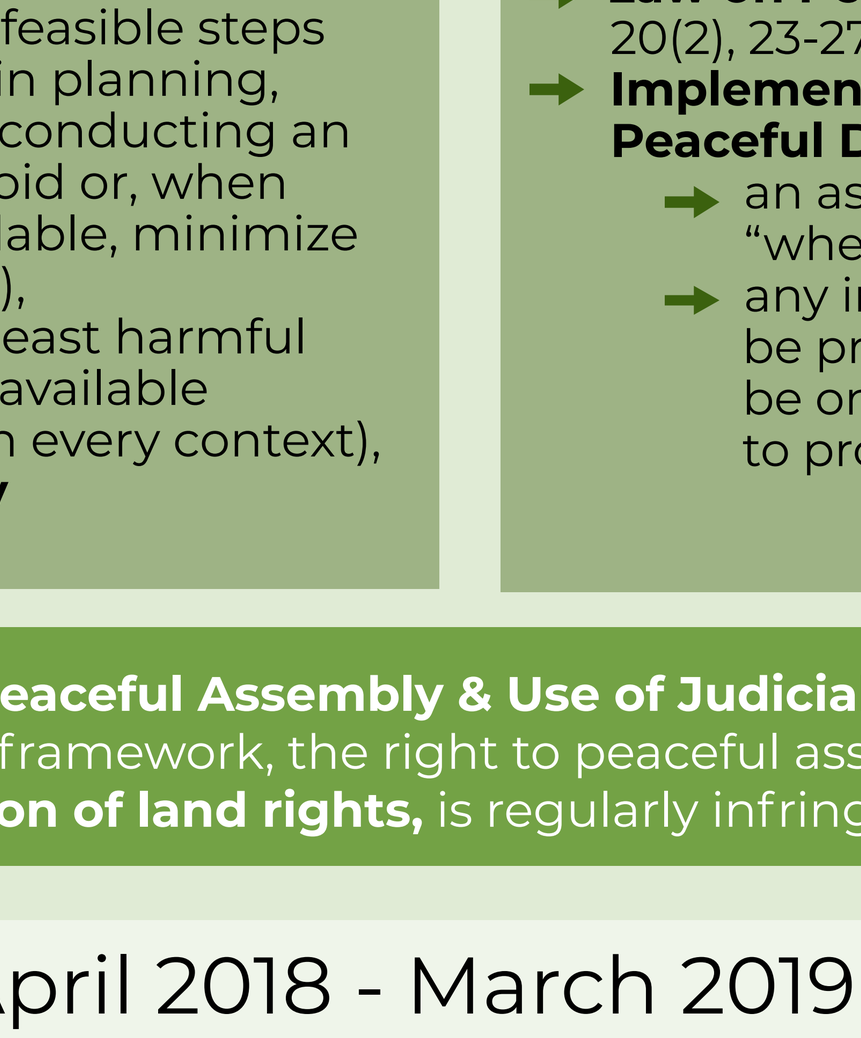
- Despite a strong legal framework, the right to peaceful assembly, **particularly in the context of the assertion of land rights,** is regularly infringed upon in Cambodia

## April 2018 - March 2019

**139 incidents related to land disputes**

42
Involved violations of fundamental freedoms

1 Instance of state use of force in relation to land protests was not compliant with international standards



- 19 Arrested
- 15 Summonsed
- 21 Detained
- 45 Questioned
- 5 Convicted

All data collected from 1 April 2018 to 31 March 2019. Source: CCHR Media Monitoring and FFMP Project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**August 2019**



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