In accordance with its obligations under international law, the Royal Government of Cambodia (“RGC”) is obliged to respect, protect and, promote the rights to freedom of expression, association and assembly, to all peoples within its jurisdiction. Indeed, these rights are protected and guaranteed by the Constitution of the Kingdom of Cambodia (“the Constitution”). Nonetheless, certain pieces of legislation within the Cambodian domestic legal system continue to contradict and undermine these protections. This legal review assesses the compliance of the domestic legal framework in the Kingdom of Cambodia (“Cambodia”) with international human rights law standards on the rights to freedom of expression, association and assembly to identify where international standards are not met.

The list of laws surveyed is not exhaustive. The Legal Review specifically targets key pieces of legislation that potentially unlawfully restrict fundamental freedoms. The review includes the Constitution of Cambodia, the Penal Code, the Law on the Election of Members of the National Assembly, the Law on the Election of Commune Councils, the Law on Associations and Non-Governmental Organizations, the Law on Peaceful Assembly, the Implementation Guide to the Law on Peaceful Demonstration, the Law on Political Parties, the Press Law of 1995, the Law on Telecommunications (supplemented by a Prakas on Social Media and Website Control) and finally, the Trade Union Law. Focus is paid to areas where restrictions on fundamental rights are in contradiction to international law.

The analysis demonstrates that a number of provisions within the domestic legal framework of Cambodia do not fully comply with international human rights standards on fundamental freedoms. Amongst others, recurring issues include narrower protections than those required by international human rights law, restrictions that violate international human rights law and overly broad and vague language that makes it difficult for individuals to know what actions are covered by the legislation.

The legal review concludes with recommendations to the RGC to assist them in meeting their obligation to ensure the domestic legal framework is in line with international standards. In particular, any restrictions which are not in line with international human rights law should be removed, and provisions which impose onerous requirements for the exercise of fundamental freedoms should be amended to ensure any such requirements are proportionate and necessary. Where freedoms are legitimately restricted by domestic legislation, any penalties for breach of this legislation must also be proportionate. Further, the RGC should consider amending provisions which are vaguely or broadly defined, to avoid the risk of arbitrary application and abuse by authorities.

CCHR’s Executive Director Chak Sopheap comments:
“The freedoms of expression, association and assembly are part of the constituent elements of any healthy democratic society and governments have an obligation to respect and protect them. We hope that this review and our recommendations will help facilitate a discussion on how we can increase respect for fundamental freedoms in Cambodia – starting with a strong legal framework. We encourage the RGC to take all appropriate steps to ensure that the domestic legal framework is in line with international human rights standards.”
The legal review is available on CCHR’s website for download in English and Khmer.

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Notes to the Editor:
CCHR, founded in November 2002, is a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights throughout Cambodia. CCHR is a member of the International Freedom of Expression Exchange (IFEX), the global network for freedom of expression. CCHR is also a member of the World Organisation Against Torture (OMCT) SOS-Torture Network, Southeast Asian Press Alliance (SEAPA), and OECD Watch.
The Cambodian Human Rights Portal www.sithi.org/ is the 2011 winner of the Information Society Innovation Fund Award in the category of Rights and Freedoms and the 2013 winner of the Communication for Social Change Award awarded by the Centre for Communication and Social Change at the University of Queensland in Brisbane, Australia.