



## Human Rights and Their Restrictions

<p><b>Where can I find <u>human rights</u></b></p>	<p><b>International Conventions</b></p> <p>in</p> <ul style="list-style-type: none"> <li>- UDHR (from Art. 1 – 28)</li> <li>Attention: UDHR is not binding for the States!!!</li> <li>- ICCPR (from Art. 6 – 27)</li> <li>- ICESCR (from Art. 6 – 15)</li> <li>- CERD (Art. 5)</li> <li>- CEDAW (from Art. 1 – 16)</li> <li>- CAT (from Art. 1 – 16)</li> <li>- CRC (from Art. 1 – 41)</li> </ul>	<p><b>Cambodian Constitution</b></p> <p>in the</p> <p>from Art. 31 – 50</p>
<p><b>Where can I find <u>restrictions on human rights?</u></b></p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;"> <p>Cambodian lawmakers authorized to regulate restrictions on human rights do this by creating <u>simple law</u></p> </div>	<p><b>International Conventions</b></p> <p>in</p> <p>see above</p> <p>(for example: Art. 9 I 2, 12 III, 18 III, 19 III, 21 I 2 ICCPR)</p>	<p><b>Cambodian Constitution</b></p> <p>in the</p> <p>from Art. 31 – 50</p> <p>(for example: Art. 31III, 41 I 2, 43 II, 44 III CC)</p>
<p><b>Where can I find detailed <u>regulations of restrictions?</u></b></p>	<p>in</p> <p><b>all Cambodian laws which were adopted by the National Assembly</b></p> <p>for example: UNTAC Criminal Code, Law on Demonstration, Press Law, Land Law, Family Law etc.</p> <p>(<b>but not</b> in Prakas, Anukrets or any other administrative regulations because restrictions on human rights can be imposed only by <b>law</b>! The authorities just apply these laws and may impose a restriction in a single case.)</p>	



### Study Question 6

In 2002 all karaoke bars in Phnom Penh were shut down by a decree and had to close within a very short period of time.

- a) Who are the involved parties in this case?
  
- b) Please name and explain the competing interests of each party. Also cite the relevant legal provisions!
  
- c) Did the order to shut down the karaoke bars comply with the “principle of proportionality”? Explain your legal opinion!



### Study Question 7

After the Anti-Thai riots of 29<sup>th</sup> January, 2003 the authorities stated:  
“We could not stop the violent demonstrators because we only had two choices:  
Either to let them go on or to shoot them”.

Please read the Law on Demonstration.

Are there really only two choices for the authorities?

What different measures does the Law on Demonstration provide for violent demonstrations? (Do not forget to quote the relevant articles precisely!).



### Study Question 8

Case:

The police arrest one of the men who raped a woman. In prison they ask him to give the names of the other perpetrators but he refuses to do so. The police beat him severely in order to get the names of his friends.

The beaten prisoner contacts his lawyer and asks him/her to complain about his ill-treatment with the authorities.

Is his claim justified?

Please examine this question by answering – step by step – each question of the checklist!