

**Freedom Of Assembly Bill Is Unconstitutional And Worse Than The Existing Repressive Police Act**  
**MalaysianMirror.com**

**November 23, 2011**

**Lawyers For Liberty**

Lawyers For Liberty condemns the tabling of the Freedom of Assembly Bill in Dewan Rakyat today as the Bill clearly appears to be an affront to the constitutional guarantee of the right to peaceful assembly which is enshrined in Article 10(1)(b) of the Federal Constitution.

The Prime Minister has once again reneged on his public promise of reform announced on the night of 15 September 2011 where he said among many things “the Government will also review section 27 of the Police Act 1967, taking into consideration Article 10 of the Federal Constitution regarding freedom of assembly and so as to be in line with international norms on the same matter.”

The Freedom of Assembly Bill seeks to prohibit, among others, street protests, peaceful assembly in prohibited areas, and peaceful assembly organized by a person below 21 years of age. The Bill also imposes 30 days’ notice to be given to the Police prior to the planned assembly. The interpretation of “street protest” in the Bill is in fact a description of a peaceful assembly.

The Freedom of Assembly Bill in essence dilutes the right to peaceful assembly as it imposes unreasonable restrictions and conditions which render the right to peaceful assembly unattainable and therefore unconstitutional.

The Bill also confers wide powers to the Police in dealing with peaceful assembly where section 8 of the Bill clearly states that a police officer may take "such measures as he deems necessary". This particular section is vague and open to abuse.

In relation to the right to peaceful assembly, it is to be noted that any law enacted for the purpose of preserving national security and public order must be in conformity with the international human rights standards and norms of a democratic society. Conditions to the right to peaceful assembly must be clearly spelled out, reasonable and minimal in order to ensure that the right can be exercised without hindrance.

The Freedom of Assembly Bill manifests the repressive nature of the government’s action which is deliberately aimed at amplifying greater assault on the people’s right to peaceful assembly which has already been trampled on by the repressive existing provisions in the Police Act 1967, Penal Code and Public Order (Preservation) Act 1958.

Lawyers For Liberty demands the government to immediately withdraw the repressive Bill and pay heed to the people’s resolve to challenge any regressive move by the government that infringes the fundamental rights and liberties guaranteed under the Federal Constitution.

**LAWYERS FOR LIBERTY (22 November 2011)**

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