



Plenary sitting

B8-1268/2015

24.11.2015

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the situation in Cambodia
(2015/2969(RSP))

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on behalf of the EFDD Group

B8-1268/2015

**European Parliament resolution on the situation in Cambodia
(2015/2969(RSP))**

The European Parliament,

- having regard to its previous resolutions on Cambodia,
- having regard to the statement of 15 July 2015 by EEAS Spokesperson on the Law on Associations and NGOs in Cambodia,
- having regard to the statement of 24 September 2015 by the United Nations Special Rapporteur, Professor Rhona Smith, on the situation of human rights in Cambodia,
- having regard to the Local Statement of the European Union of 27 October 2015,
- having regard to the 1997 Cooperation Agreement between the European Community and the Kingdom of Cambodia,
- having regard to the Cambodian Constitutional Council of 2007 recognition that International Human Rights Treaties form part of domestic Law,
- having regard to the EU Guidelines on Human Rights Defenders,
- having regard to the EU Human Rights Guidelines on Freedom of Expression,
- having regard to the various International Labour Organisation (ILO) conventions, in particular the Freedom of Association and Protection of the Right to Organise Convention (No 87) and the Right to Organise and Collective Bargaining Convention (No 98),
- having regard to the Universal Declaration of Human Rights of 10 December 1948,
- having regard to the International Covenant on Civil and Political Rights of 1966,
- having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas after the general elections held in July 2013 the Cambodian Government has increased criticism and constraints on civil society organizations engaged with human rights, advocacy and transparency issues;

B. whereas the EU is Cambodia's largest partner in terms of development assistance, with a new allocation for the 2014-2020 period of EUR 410 million; whereas the EU supports a wide range of human rights initiatives carried out by Cambodian non-governmental organisations (NGOs) and other civil society organisations; whereas Cambodia is highly dependent on development assistance;

C. whereas the Cambodian Government has totally excluded the civil society from the process of drafting a law regulating civil society in Cambodia,

D. whereas the recent promulgation of Law on Associations and NGOs has given state authorities arbitrary powers to shut down and block the creation of human rights-defending organizations and has already begun deterring human rights defense work in Cambodia,

E. whereas the right to freedom of expression is established in Article 41 of the Cambodian Constitution, and the right of political participation in Article 35 thereof;

F. whereas the right to freedom of peaceful assembly is enshrined in the Cambodian Constitution, in Article 20 of the Universal Declaration of Human Rights and in Article 21 of the International Covenant on Civil and Political Rights;

G. whereas the right to take part in the conduct of public affairs is enshrined in Article 25 of the International Covenant on Civil and Political Rights, and whereas the right to freedom of association, protected by Article 22 of that covenant, is an essential adjunct and often a gateway to such participation; whereas transparency and accountability are essential elements for a functioning democracy;

H. whereas two CNRP members of the National Assembly were attacked by members of the armed forces during a government-orchestrated anti-CNRP demonstration on 26 October,

I. whereas two people have recently died under suspicious circumstances in arbitrary detention centers for "undesirable people," where alleged drug users, sex workers and street children are detained without any legal process,

J. whereas Cambodian opposition leader Sam Rainsy, accused of defamation in a case that dates back seven years, has recently delayed his return home from abroad as police prepare to arrest him, since he was stripped of parliamentary immunity from prosecution;

1. Urges the Cambodian authorities to drop immediately all charges against and quash all convictions of the leader of the opposition Cambodia National Rescue Party (CNRP), Sam Rainsy, CNRP members of the National Assembly and Senate, and CNRP activists and organizers;

2. Calls on Cambodian authorities to end the political use of the courts and to release all those jailed on politically motivated and trumped up charges, with a particular reference to human rights defenders;

3. Asks for full and impartial investigations with United Nations participation leading to prosecution of all those responsible for the recent brutal attack on two CNRP members of the National Assembly and for further investigations on the military and police use of excessive lethal force to suppress demonstrations, strikes, and social unrest;

4. Urges the Government of Cambodia to immediately make public the full texts of draft government legislation with human rights implications, including the Trade Union,

Cybercrime, and Telecommunications Laws, and asks to ensure genuine and serious consultation with all those effected by such legislation to guarantee the texts are fully in line with Cambodia's human rights obligations and commitments under domestic and international law;

5. Asks the Cambodian Authorities to reverse the government non-cooperation with the UN-assisted Khmer Rouge Tribunal that breaches the UN-Cambodia agreement creating the court, and in particular cooperate fully in the investigation and arrest of charged persons in the court's Cases 003 and 004;

6. Calls on the Government of Cambodia to end the arbitrary arrest detention without legal process of "undesirable people," to close the arbitrary detention centers for these people and to replace the centers with expanded access to voluntary, community-based treatment, care and training facilities;

7. Urges the Government of Cambodia to abrogate the unnecessary Law on Associations and Non-Governmental Organizations;

8. Urges the Government of Cambodia to recognise the legitimate and useful role played by civil society, trade unions and the political opposition in contributing to Cambodia's overall economic and political development;

9. Calls on EU Member States and the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, in line with the EU's Strategic Framework on human rights and Democracy, to immediately raise the above concerns and recommendations with Cambodian authorities, and publicly call on Cambodian authorities to release all those jailed on politically motivated and trumped up charges and to drop all charges against CNRP leader Sam Rainsy, CNRP members of the National Assembly and Senate, and CNRP activists and organizers;

10. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the Secretariat of the Association of Southeast Asian Nations, the UN Human Rights Council, and the Government and National Assembly of the Kingdom of Cambodia.