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Plenary sitting

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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 122 of the Rules of Procedure

on situation of rights defenders and opposition activists in Cambodia and Laos (2014/2515(RSP))

Véronique De Keyser, Ana Gomes, Robert Goebbels, Pino Arlacchi, Marc Tarabella, Liisa Jaakonsaari, Joanna Senyszyn, Lidia Joanna Geringer de Oedenberg, Mitro Repo

on behalf of the S&D Group

European Parliament resolution on situation of rights defenders and opposition activists in Cambodia and Laos (2014/2515(RSP))

The European Parliament,

- having regard to the local EU Statement on new legislature in Cambodia of 23 September 2013 ,
- having regard to the local EU Statement on violence surrounding labour disputes in Cambodia of 8 January 2014;
- having regard to the International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED), to which Laos is a signatory, and to the UN Declaration of 18 December 1992 on the Protection of All Persons from Enforced Disappearance,
- having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966, ratified by Laos in 2009,
- having regard to the last UNHRC Universal Periodic Review of Laos of 21 September 2010 and to the upcoming one scheduled for 2014,
- having regard to the Cooperation Agreement between the EU and the Lao People's Democratic Republic of 1 December 1997,
- having regard to the EU Guidelines on Human Rights Defenders
- having regard to its previous resolutions on Cambodia and Laos, especially the one of 7th February 2013 on Laos and of 26th October 2012 on the situation in Cambodia;
- having regard to Rule 122 of its Rules of Procedure,

Cambodia

- A. whereas on 2nd and 3rd January 2014 security forces, including army and gendarmerie units deployed by the government, broke up the peaceful demonstrations of textile industry workers for increased wages in Phnom Penh's industrial area, using unnecessary or excessive force and leaving four dead and dozens injured ;
- B. whereas the general elections held on 28th July 2013 were neither free nor fair; whereas as a result of those elections the ruling Cambodian People's Party was restored to a majority in the National Assembly and Hun Sen, in office since 1985, has been re-appointed as Prime Minister;

- C. whereas the election was marred by large-scale irregularities and systemic unfairness, including CPP control of all election-related institutions, including the National Election Committee and Constitutional Council, both of which failed to seriously address all credible allegations of voter fraud and other election complaints;
- D. whereas the King amnestied the leader of the opposition Cambodia National Rescue Party (CNRP), Sam Rainsy, on July 14, 2013, making it possible for Rainsy to return to Cambodia; however, his right to vote and run in the elections was not restored;
- E. whereas following the announcement of electoral results the CNRP in September 2013 launched three days of nonviolent mass demonstrations against the official results of the National Assembly elections; whereas in response to those peaceful protests the government deployed large numbers of armed police and gendarmes, backed by armoured vehicles and water cannons, throughout Phnom Penh and its surroundings; police and gendarmes fired assault rifles, handguns, water cannons, and teargas at protesters and others, and beat dozens with truncheons and other objects.
- F. whereas there is an ongoing harassment of human rights defenders in the form of arbitrary arrests or sentencing on false or exaggerated charges for the peaceful exercise of human rights and a climate of impunity for such acts;
- G. whereas an overly restrictive 2009 law on demonstrations is being used to justify the repeated use of excessive force to suppress post-election protests and other social unrest,. Despite the considerable and clear evidence of security force responsibility for these casualties, no serious investigations to bring those accountable to justice have been carried out.
- H. whereas Cambodia has failed to implement the recommendations it accepted during the last Universal Periodic Review on the freedom of expression, protection of work of human rights defenders, freedom of assembly and association and respect for labour rights;

Laos

- I. whereas 15th December 2013 marked the first anniversary of the disappearance of Sombath Somphone, prominent social and human rights activist, abducted at a police post in Vientiane, raising serious fears for his fate and well-being;
- J. whereas the Lao authorities have denied offers of assistance in trying to solve this case; in spite of widespread international calls for an urgent investigation, including from the EU and ASEAN parliamentarians, the USA and the Office of the United Nations High Commissioner for Human Rights, Sombath's whereabouts remain unknown and there has been no progress in the investigation into the circumstances of his enforced disappearance;
- K. whereas there have been several other cases of enforced disappearances: to this day, the

whereabouts of nine other persons, two women, Kingkeo and Somchit, as well as seven men, Soubinh, Souane, Sinpasong, Khamson, Nou, Somkhit, and Sourigna, arbitrarily detained by Lao security forces in November 2009 in various locations across the country remain unknown;

- L. whereas Lao Government's failure to undertake proper investigations into all these cases of enforced disappearances violates its obligations under Article 2(3) of the International Covenant on Civil and Political Rights (ICCPR), to which Laos is a state party;

Cambodia

1. Expresses its grave concern over the violent crackdown by the Cambodian military and security forces in Phnom Penh against civilian demonstrators that resulted in at least four deaths and many injuries;
2. Condemns the use of torture, physical harassment, arbitrary arrest and detention of individuals who exercise their right to free expression and assembly; calls on the Cambodian authorities to grant the 23 social justice activists, labor advocates, and factory workers who are currently being detained and held incommunicado immediate and unfettered access to legal counsel, their families, and medical care as needed; urges the Cambodian authorities to release detainees immediately and unconditionally;
3. Urges the Cambodian authorities to thoroughly investigate and hold to account those responsible for deaths and injuries among peaceful protesters;
4. Condemns the Cambodian government's ban on public assemblies, which is a violation of the right to freedom of peaceful assembly guaranteed under the Cambodian Constitution and the International Covenant on Civil and Political Rights (ICCPR), to which Cambodia is a party; urges the Cambodian government to revoke the ban immediately and unconditionally;
5. Reiterates its earlier calls on the authorities to stop the harassment, arbitrary arrest, and physical attacks on human rights defenders, journalists, trade unionists, civil society activists and opposition party members; and to investigate and prosecute the perpetrators of such attacks;
6. Stresses that the authorities must ensure that the rights of individuals and organisations to defend and promote human rights are protected, including the right to peacefully criticise and object government policies via public protest assemblies and strikes;
7. Calls on the government to accept an independent, internationally assisted investigation into allegations of vote fraud and other irregularities around the July 2013 elections, that should lead in turn to an in-depth electoral reform in order to create conditions for future free and fair elections;
8. Condemns the general crackdown on the opposition and especially on the Cambodia National Rescue Party, which includes filing of politically motivated criminal cases against party President Sam Rainsy and Vice-President Kem Sokha, and union leader Rong Chhun for incitement of unrest; calls for an immediate abandon of all charges against them;

9. Calls on the international community, including the EU Member States and other countries with significant investments in Cambodia to urge their respective national corporate stakeholders to engage in ethical and socially responsible corporate practices including guaranteeing fair labour standards and living wages, recognising the right to unionise and engage in collective bargaining, and ensuring safe and humane working conditions for all workers,

Laos

10. Express its strong disappointment over the Lao Government's ongoing failure to shed light on the enforced disappearance of prominent activist and civil society leader Sombath Somphone; appeals to the Lao authorities to immediately establish an independent commission to carry out a thorough and impartial investigation into the disappearance of Sombath Somphone and ensure his safe return to his family, in accordance with Laos' obligations under international law;
11. Further calls on the Lao government to undertake a thorough, impartial, and effective investigation into all allegations of enforced disappearances; address the ongoing repression of civil and political rights, including freedom of expression, association and peaceful assembly in Laos and ensure respect and protect the rights of all human rights defenders, activists, and members of civil society;
12. Calls on the EU to use all its leverage to ensure Sombath's safe return and urge the Lao government to answer the many outstanding questions around Sombath's disappearance and to establish an independent commission, with international involvement or support, to investigate the case; stresses that significant progress in the Sombath case must be a prerequisite of Laos' candidacy for the UN Human Rights Council;
13. Reiterates that the international community, particularly the EU and ASEAN Member States should raise the issue of Sombath Somphone's enforced disappearance with the Lao Government in all bilateral and multilateral fora, urge the Government to immediately release all political prisoners and conduct effective and thorough investigations on enforced disappearances and exert political and economic pressure on the Lao Government to ensure the promotion of reforms that guarantee respect for fundamental human rights in accordance with its international obligations;
14. Calls on the Lao government to ratify without further delay the International Convention for the Protection of all Persons from Enforced Disappearance signed back in 2008;
15. Instructs its President to forward this resolution to the VP/High Representative for CFSP, the governments of the Member States, the governments and parliaments of Cambodia and Laos, the governments of ASEAN Member States, the United Nations High Commissioner for Human Rights and the Secretary-General of the United Nations.