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*Plenary sitting*

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7.7.2015

B8-0693/2015

## 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: draft laws on the NGOs and trade unions  
(2015/2756(RSP))

**Charles Tannock, Mark Demesmaeker, Ryszard Antoni Legutko, Ryszard Czarnecki, Tomasz Piotr Poręba, Branislav Škripek, Geoffrey Van Orden, Valdemar Tomaševski, Raffaele Fitto**  
on behalf of the ECR Group

**European Parliament resolution on the situation in Cambodia: draft laws on the NGOs and trade unions (2015/2756(RSP))**

*The European Parliament,*

- having regard to the press release by the Office of the High Commissioner for Human Rights of 22 May 2015,
  - having regard to its previous resolutions on the situation in Cambodia and in particular the European Parliament resolution on situation of rights defenders and opposition activists in Cambodia and Laos of 16 January 2014,
  - having regard to the 1997 Cooperation Agreement between the European Community and the Kingdom of Cambodia,
  - having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966,
  - having regard to the 2008 EU Guidelines on Human Rights Defenders,
  - having regard to Rule 135 of its Rules of Procedure,
- A. Whereas the right of freedom of association is guaranteed by Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Cambodia is a State party;
- B. Whereas on June 5, 2015 the government approved the draft law on Associations and Non-Governmental Organizations (LANGO); whereas the draft law was sent for review to the National Assembly of Cambodia on June 16, 2015;
- C. Whereas on June 7, 2015, Human Rights Watch sent a letter to Prime Minister Hun Sen to express its concern that Cambodia's draft Trade Union Law (TUL) would violate the right to organise and be a major step backwards for workers;
- D. Whereas the draft LANGO and draft TUL are considered controversial by the civil society; whereas protests take place in Phnom Penh and call on the Cambodian National Assembly to withdraw the proposed legislation;
- E. Whereas protesters maintain that the proposed draft LANGO and draft TUL in their present shape will restrain the civil society and hamper the everyday work of non-governmental organisations;

- F. Whereas about 5000 non-governmental organisations operate in Cambodia providing active assistance in areas such as human rights, health care, civil society and agriculture;
  - G. Whereas the Prime Minister of Cambodia Hun Sen claims that the draft LANGO is a necessary piece of legislation for thousands of organisations operating in Cambodia and shall not have any impact on the organisations already present in Cambodia;
  - H. Whereas the main controversy arises around the fact that the draft LANGO and the draft TUL have been prepared in secrecy without any public consultation process or extensive public debate;
  - I. Whereas the two draft laws leaves space for free interpretation and could constitute a potential threat to the democratic freedoms of expression and association;
  - J. Whereas the draft LANGO outlines a dual regulatory regime with extensive registration and reporting obligations for domestic and international civil society groups operating in Cambodia; whereas, if the draft is made law, failure to register could potentially result in fines or criminal sanctions; whereas the draft LANGO does not exempt community based organisations, however small or informal, from mandatory registration, leaving open the possibility of punishment of individuals engaged in legitimate activities protected in the exercise of the right of the democratic freedoms of expression and association;
  - K. Whereas international non-governmental organisations active in Cambodia maintain that the overly vague and broad provisions of the draft LANGO could be used as a tool to curtail government criticism, especially in the area of human rights;
  - L. Whereas non-governmental organisations maintain that the draft TUL sets an unreasonably high minimum threshold for the number of workers who must join before a union can be formed, and further contains dangerously vague eligibility criteria for union leadership that discriminate against women and non-officials;
  - M. Whereas non-governmental organisations maintain that the draft TUL, if passed in its present shape, will violate international labour standards ratified by Cambodia;
  - N. Whereas non-governmental organisations and trade unions oppose the two draft laws, claiming that they would jeopardise their activities;
1. Regrets that despite widespread calls to organise a constructive dialogue as regards the draft LANGO the government of Cambodia opted for a swift adoption without open debate with interested parties;
  2. Recalls the Cambodian government's rights to act at its own discretion in terms of national policies, reminds however its obligations to safeguard the democratic freedoms of expression and association as protected by international instruments to which Cambodia is a party and by its own country's Constitution;

3. Calls on the Cambodian authorities to exercise restraint towards protestors and reminds that any use of force by officials must be subject to the principles of legality, necessity and proportionality;
4. Calls on the National Assembly of Cambodia to engage into a constructive dialogue with all interested parties before the review of the proposed laws; welcomes in this respect the declaration by National Assembly spokesman Chheang Vun declaring the government would engage into a national discussion on the subject;
5. Believes that the voice of the civil society, interested stakeholders and active organisations can be taken into account without violating the country's sovereignty;
6. Instructs its President to forward this resolution to the Government of Cambodia, the EU High Representative, the Commission, the parliaments and governments of the Member States, the Secretary General of ASEAN, the ASEAN Intergovernmental Commission on Human Rights, the UN Special Representative for Human Rights in Myanmar, the UN High Commissioner for Refugees and the UN Human Rights Council.