



Plenary sitting

7.7.2015

B8-0701/2015

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 Cambodia's draft laws on NGOs and trade unions
(2015/2756(RSP))

Josef Weidenholzer, Norbert Neuser, Victor Boștinaru, Richard Howitt, Pier Antonio Panzeri, Elena Valenciano, Nicola Caputo, Eric Andrieu, Nikos Androulakis, Zigmantas Balčytis, Hugues Bayet, Brando Benifei, Goffredo Maria Bettini, José Blanco López, Vilija Blinkevičiūtė, Biljana Borzan, Andrea Cozzolino, Andi Cristea, Miriam Dalli, Viorica Dăncilă, Nicola Danti, Isabella De Monte, Damian Drăghici, Doru-Claudian Frunzulică, Enrico Gasbarra, Lidia Joanna Geringer de Oedenberg, Neena Gill, Michela Giuffrida, Maria Grapini, Sergio Gutiérrez Prieto, Cătălin Sorin Ivan, Liisa Jaakonsaari, Afzal Khan, Jude Kirton-Darling, Jeppe Kofod, Bernd Lange, Arne Lietz, Javi López, Krystyna Łybacka, Edouard Martin, Marlene Mizzi, Csaba Molnár, Alessia Maria Mosca, Victor Negrescu, Momchil Nekov, Demetris Papadakis, Gilles Pargneaux, Emilian Pavel, Vincent Peillon, Tonino Picula, Miroslav Poche, Laurențiu Rebegea, Liliana Rodrigues, Inmaculada Rodríguez-Piñero Fernández, Daciana Octavia Sârbu, Olga Sehnalová, Siôn Simon, Renato Soru, Tibor Szanyi, Claudia Tapardel, Marc Tarabella, Julie Ward, Flavio Zanonato,

Damiano Zoffoli
on behalf of the S&D Group

European Parliament resolution on Cambodia's draft laws on NGOs and trade unions (2015/2756(RSP))

The European Parliament,

- having regard to its previous resolutions on Cambodia;
 - having regard to the 1998 UN Declaration on Human Rights Defenders;
 - having regard to the International Covenant on Civil and Political rights (CCPR), to which Cambodia is a party;
 - having regard to the ILO, to which Cambodia is a party;
 - having regard to the Cambodia - European Community Strategy Paper for the period 2007-2013,
 - having regard to the Report of the Special Rapporteur on the situation of human rights in Cambodia, Surya P.Subedi of 15th August 2014;
 - having regard to the Cooperation Agreement between the European Community and the Kingdom of Cambodia of 1999;
 - having regard to rule 135 of its Rules of Procedure;
- A. Whereas the EU is Cambodia's largest partner in terms of development assistance; whereas the EU supports a wide range of human rights initiatives carried out by Cambodian NGOs and other Civil Society Organisations and has also observed national and commune elections while providing support to the election process; whereas Cambodia is highly depended on development assistance;
- B. Whereas according to the Cooperation Agreement a '*respect for the democratic principles and fundamental human rights established by the Universal Declaration on Human Rights*' is fundamental to the EU-Cambodia relations;
- C. Whereas the Cambodia's government prepares a number of draft laws to be enacted within the fifth mandate (refers to the period 2013-2018) which potentially restrict freedom of association, freedom of expression, freedom of assembly, and violate the Constitution and aim at shrinking significantly the space of civil society in Cambodia;
- D. Whereas the most urgent draft law on Associations and Non-governmental Organizations (LANGO), instead of enhancing the right to form NGOs, associations, and other independent organizations, provides legal grounds by which to encumber and unnecessarily restrict NGOs and gives the government wide discretion to close critical and politically disfavoured NGOs and organizations; whereas the Ministry of the Interior (MOI) will have total discretion over registration approval; whereas LANGO will criminalize all activities by unregistered membership organizations; whereas all domestic and international NGOs and associations will be under a vaguely defined obligation to maintain political neutrality;

- E. Whereas LANGO will severely affect grass roots level NGOs especially in the country side, capital based NGOs, cooperation with INGOs in Cambodia and also bilateral cooperation with EU development cooperation and EU member states development cooperation;
- F. Whereas it is expected that the country will lose \$600 to \$700 million in development projects annually once the law past; whereas LANGO would place restrictions on budgets, which would threaten international NGOs to run cost-effective projects;
- G. Whereas the Royal Government of Cambodia (RCG) and development partners recognize that NGOs and INGOs have made an important contribution to rehabilitation, reconstruction and development for the past 30 years; whereas NGOs are viewed as important partners in the delivery of basic social services; whereas formally the RCG has a number of mechanisms that involve NGOs in national development strategy formulation and policy implementation and dialogue;
- H. Whereas the draft of the proposed trade union law contravenes Cambodia's obligations under International Labour Organization (ILO) Convention No. 87 on Freedom of Association and Convention No. 98 on the Right to Organise and Collective Bargaining; whereas the draft law excludes various categories of workers, including domestic workers and other workers in the informal economy (article 3) which effectively excludes a large proportion of Cambodia's working population from forming unions; whereas
- I. Whereas since a May 2014 consultation inviting local labor rights groups to participate, Cambodian authorities have not held any public consultations on subsequent drafts of the bill; whereas periodic announcements by government officials to the media have indicated that the trade union law will be enacted in 2015;
- J. 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; whereas the drafting of a law regulating civil society in Cambodia excludes civil society from the process; whereas the content of the current draft law has not yet been disclosed to the civil society; whereas the government will be violating the right to freedom of association and the right to participate actively in the political, economic, social and cultural life of the nation which is guaranteed in Article 35 of the country's constitution;
- K. Whereas the government's lack of transparency in making the draft laws public and subject to scrutiny and consultation is contrary to principles of democratic governance and jeopardizes public trust in the law-making process;
1. Urges the Cambodian government to fully withdraw or repeal the LANGO;
 2. Urges the Cambodian government to stop any further preparations of any other draft laws aiming at shrinking the space of civil society such as the trade union and cybercrime law;
 3. Recalls that civil society is one of the main pillars for the development of any country; stresses that the law on Associations and NGOs should create an enabling environment for civil society to continue contributing to the development of Cambodia;
 4. Urges the Government to make the draft legislation of public interest available to members of civil society and to the public as soon as possible and before it is introduced in the National Assembly; stresses that any legislative process affecting the state of civil society or any other issue such as trade unions or the Internet should be transparent and accountable;

5. Claims that civil society and the Cambodian people be afforded sufficient time for review and consultations on any legislation, so that they may then provide comment to their elected representatives before the legislation is voted on;
6. Calls the Government ministries to formally establish a process by which to publicly circulate draft laws, before their submission to the Council of Ministers, to allow stakeholders to participate in a timely manner when laws are drafted;
7. Welcomes the statement of Prime Minister Hun Sen in a meeting with the EU Ambassador Jean-Francois Cautain on the 16th of June that the National Assembly was planning to hold a consolidation on the draft NGO law and his wish to include Civil Society and also development partners in the consultation, but reiterates that LANGO is so flawed it should be withdrawn or repealed;
8. Urges that any draft legislation respect the internationally recognized freedoms of speech, association, and assembly – which Cambodia has committed to follow through its ratification of the International Covenant on Civil and Political Rights -- and not place undue restrictions on civil society's ability to operate effectively and freely;
9. Encourages the Cambodian government to continue to strengthen democracy, the rule of law, respect for human rights and fundamental freedoms – in particular freedom of expression and assembly;
10. Asks, therefore, the EU to use all tools and instruments to support the Government in ensuring this and also human rights defenders;
11. Instructs its President to forward this resolution to the Government and Parliament of Cambodia, the EU High Representative, the Commission, the parliaments and governments of the Member States, the United Nations High Commissioner for Human Rights and the governments of the ASEAN Member States;