



Plenary sitting

B8-1273/2015

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 situation in Cambodia
(2015/2969(RSP))

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on behalf of the ALDE Group

B8-1273/2015

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

The European Parliament,

- having regard to its previous resolutions on Cambodia;
 - having regard to the 1997 Cooperation Agreement between the European Community and the Kingdom of Cambodia;
 - having regard to the statement of 22 June 2015 by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association;
 - having regard to the UN Human Rights Committee's concluding observations of 27 April 2015 on the second periodic report of Cambodia;
 - having regard to the report of 15 August 2014 by the UN Special Rapporteur on the situation of human rights in Cambodia;
 - having regard to the Local EU Statements of 4 January 2014 on violence surrounding labour disputes and of 23 September 2013 on new legislature in Cambodia;
 - 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 International Convention for the Protection of All Persons from Enforced Disappearance and to the UN Declaration of 18 December 1992 on the Protection of All Persons from Enforced Disappearance;
 - 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 Article 135 of the Rules.
- A. Whereas Prime Minister Hun Sen, a former Khmer Rouge commander, has been in power for over 30 years while his security forces are enjoying impunity for serious human rights abuses, including political assassinations, other extrajudicial killings and torture;

- B. Whereas Human Rights Watch annual report is flagging the violent efforts of Hun Sen and his Cambodian People's Party (CPP) to suppress the mass protests against the deeply flawed elections of July 2013 and force the opposition Cambodia National Rescue Party (CNRP) to accept the election results;
- C. Whereas the government of Hun Sen has threatened to arrest the opposition leader Sam Rainsy, who is currently residing in South Korea, if he would return to Cambodia. Rainsy is accused of staging a constitutional coup; whereas Rainsy was expected to go back to Cambodia on Tuesday 16 November 2015, but he has cancelled his return after the government made concrete preparations to arrest him; whereas Ban Ki-Moon called the arrest warrant against Rainsy and earlier incidents against other opposition parliamentarians "worrisome developments" and he encourages all players "to refrain from violence, intimidation and harassment";
- D. Whereas on 5 June 2015 the Government of Cambodia approved the draft Law on Associations and Non-Governmental Organisations (LANGO); whereas the LANGO imposes mandatory registration for all domestic and international associations and NGO's through which the Ministry of the Interior (MOI) has total discretion over the registration process through which NGO's are subject to political considerations; whereas the LANGO bans any activity by unregistered associations and NGOs; whereas all NGO's will be required to operate under an obligation to maintain "political neutrality"; whereas the LANGO bans leaders of de-registered associations or NGO's from ever establishing new associations or organizations; whereas LANGO would place restrictions on budgets, which would threaten the capacity of international NGOs to run cost-effective projects;
- E. 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;
- F. Whereas Human Rights Watch has addressed the UN Human Rights Council on 20 August 2015 on the deteriorating human rights situation in Cambodia by pointing out patterns of serious violations of Human Rights by the Cambodian government;
- G. Whereas on 3 January 2014, at peaceful demonstrations of textile industry workers for increased wages that turned violent, security forces opened fire with live ammunition on demonstrators, killing five people and injuring more than 30; whereas on 4 January 2014 security forces forcefully cleared Freedom Park, where opposition activists were gathered; whereas 23 people, including rights defenders, were arrested during the recent events and were reportedly beaten and tortured; Whereas Amnesty International has repeatedly called upon the Cambodian Government to investigate the disappearance of Khem Sapath, a 16-year-old boy who went missing after the violent crackdown by Cambodian security forces against the striking workers;
- H. Whereas the Delegation of the European Union and the Embassies of the European Union Member States in Phnom Penh called on 27 October 2015 on the Cambodian authorities to take necessary steps to ensure the safety of all democratically elected representatives of the Cambodian people after two opposition Members were attacked;
- I. 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.

1. Is concerned about the situation of rights defenders and opposition activists in Cambodia; condemns all politically motivated charges, sentences and convictions against political critics, opposition politicians, human rights defenders and land activists in Cambodia; 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 to government policies via public protest assemblies and strikes;
2. 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; 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 to contribute to the development of Cambodia;
3. Notes with concern the ongoing dispute over alleged irregularities in the electoral process; calls on the political parties to work together to identify any flaws that occurred and to agree on steps to improve the electoral process, notably reform of the voter list, access to the media and balanced reporting, and the National Election Committee, as well as on structural reforms in areas that will contribute to Cambodia's longer term development, including judicial reform, National Assembly reform and other efforts to boost good governance and democracy; Calls on the Cambodian Government to accept an independent, internationally assisted investigation into allegations of vote fraud and other irregularities around the July 2013 elections;
4. Urges the Cambodian Government to recognise the legitimate role played by the political opposition in contributing to Cambodia's overall economic and political development; calls on the Cambodian authorities to immediately drop the summonses, arrest warrants, charges and sentences against the CNRP leaders, Sam Rainsy and Kem Sokha, CNRP members of the National Assembly and Senate and CNRP activists and organizers; calls on the cambodian authorities to release senator hong sok hour from prison (1), to re-install kem sokha as first vice-president of the national assembly (2), and to re-instate sam rainsy as a national assembly member with full parliamentary immunity (3);
5. Urges the Government of Cambodia to withdraw the draft LANGO;
6. Calls on the Government of Cambodia to withdraw the draft law governing trade unions, to publicly disclose the current draft and to consult with experts and trade union members with a view to revising it, in compliance with international law and 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), before resubmitting the draft for consideration;
7. Calls upon the Cambodian Government to seriously investigate the disappearance of Khem Sapath and the beatings on 26 october 2015 of national assembly members nhay chamroeun and kong saphea;

8. Calls upon the Cambodian authorities to take necessary steps to ensure the safety of all democratically elected representatives of the Cambodian people and to guarantee the safety and freedom of anyone who is participating in public affairs;
9. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Government and Parliament of Cambodia, the UN Human Rights Council and the governments and parliaments of other states in the region.