



TEXTS ADOPTED

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Cambodia's draft laws on NGOs and trade unions

European Parliament resolution of 9 July 2015 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 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 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 the 1997 Cooperation Agreement between the European Community and the Kingdom of Cambodia,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas Cambodia's vibrant civil society – in particular activists working on land rights issues, labour union members, journalists and opposition party members – has played an important corrective role;
- B. whereas on 5 June 2015 the Government of Cambodia approved the draft Law on Associations and Non-Governmental Organisations (LANGO); whereas the draft law was sent to the National Assembly of Cambodia for review on 16 June 2015;

- C. 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, and has also observed national and commune-level elections while providing support for the election process; whereas Cambodia is highly dependent on development assistance;
- D. whereas the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has stated that civil society in Cambodia has been excluded from the LANGO drafting process;
- E. whereas several renowned NGOs have pointed out that LANGO follows previous attempts, later withdrawn in response to domestic and international opposition, to enact a law that would impose unwarranted restrictions on the rights to freedom of association and expression and create legal grounds for arbitrarily closing or denying registration to politically disfavoured NGOs, including those employing human rights defenders;
- F. 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;
- G. 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;
- H. 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;
- I. whereas it is expected that the country will lose USD 600-700 million in development projects annually once the law has been passed; whereas LANGO would place restrictions on budgets, which would threaten the capacity of international NGOs to run cost-effective projects;
- J. whereas the draft law governing trade unions would violate the right to organise and would severely limit the rights of independent trade unions, including existing unions; whereas the draft law sets an unreasonably high minimum threshold for the number of workers who must join before a union can be formed (20 %); whereas the draft law gives sweeping powers to Labour Ministry officials as regards the approval of strikes and the suspension of union registration on flimsy grounds and without due process; whereas the draft law excludes domestic workers from the right to unionise, makes union leaders subject to literacy requirements which discriminate against women and non-nationals, prohibits contacts with NGOs, and sets ineffectively low fines for employers who violate labour law;
- K. whereas, since the May 2014 consultation in which local labour rights groups were invited to participate, the Cambodian authorities have not held any public consultations on subsequent drafts of the bill; whereas periodic media announcements by government officials have indicated that the trade union law will be enacted in 2015;

- L. whereas about 5 000 NGOs are registered in Cambodia, providing assistance in areas such as human rights, health care, civil society and agriculture;
- M. whereas on 16 June 2015 Prime Minister Hun Sen stated in a meeting with the EU Ambassador to Cambodia, Jean-François Cautain, that the National Assembly was planning to hold a consultation on the draft NGO law, and expressed his wish to include civil society and development partners in that consultation;
1. Urges the Government of Cambodia to withdraw the draft LANGO;
 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. 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;
 4. Endorses the UN Special Rapporteur's statement that 'such legislation should be adopted only through a comprehensive participatory process, that is inclusive enough to ensure that all stakeholders are committed to its substance';
 5. Asks that civil society and the Cambodian people be afforded sufficient time for review of, and consultations on, any legislation so that they can submit comments to their elected representatives before the legislation is voted on;
 6. Urges that any draft legislation should respect the internationally recognised freedoms of speech, association and assembly, which Cambodia has committed to adhere to through its ratification of the International Covenant on Civil and Political Rights, and should not place undue restrictions on civil society's ability to operate effectively and freely;
 7. Encourages the Government of Cambodia to continue to strengthen democracy, the rule of law and respect for human rights and fundamental freedoms, in particular freedom of expression and assembly;
 8. Calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy to support the call for the withdrawal of the draft LANGO and the draft law governing trade unions, and to raise this issue with the Government of Cambodia without delay;
 9. 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.