



TEXTS ADOPTED

P8_TA(2015)0413

Cambodia

European Parliament resolution of 26 November 2015 on the political situation in Cambodia (2015/2969(RSP))

The European Parliament,

- having regard to its previous resolutions on Cambodia,
- having regard to the EU local statement of 27 October 2015 on the situation in Cambodia,
- having regard to the statement attributable to the spokesman for the UN Secretary-General on Cambodia of 17 November 2015,
- having regard to the press statement issued on 30 October 2015 by the spokesperson for the UN High Commissioner for Human Rights, Ravina Shamdasani,
- having regard to the statements made by the UN Special Rapporteur on the situation of human rights in Cambodia, Professor Rhona Smith, on 23 November 2015 and 24 September 2015,
- having regard to the report of the Special Rapporteur on the situation of human rights in Cambodia of 20 August 2015,
- having regard to the UN Human Rights Council resolution of 2 October 2015 on Cambodia,
- having regard to the statement issued by the EEAS spokesperson on 15 July 2015 on the Law on Associations and NGOs in Cambodia,
- having regard to the statement issued on 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 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 2008 EU Guidelines on Human Rights Defenders,
 - having regard to the 1997 Cooperation Agreement between the European Community and the Kingdom of Cambodia,
 - having regard to Article 35 of the Cambodian Constitution, which guarantees the right to freedom of association and the freedom to participate actively in the political, economic, social and cultural life of the nation,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas on 13 November 2015 the Cambodian authorities issued an arrest warrant for Sam Rainsy, leader of the main opposition party, the Cambodia National Rescue Party (CNRP), who is currently abroad, and whereas on 16 November 2015 the National Assembly of Cambodia withdrew his membership, stripping him of parliamentary immunity and making him liable to arrest when he returns to the country, in connection with a seven-year-old defamation case;
 - B. whereas on 20 November 2015 Sam Rainsy was summoned by a court to appear for questioning on 4 December 2015 in relation to a post published on his public Facebook page by an opposition senator, Hong Sok Hour, who has been under arrest since August 2015 on charges of forgery and incitement after posting on Sam Rainsy’s Facebook page a video containing an allegedly false document relating to the 1979 border treaty with Vietnam;
 - C. whereas on 26 October 2015 a group of pro-government protesters in Phnom Penh brutally assaulted two MPs of the opposition (CNRP), Nhay Chamrouen and Kong Sakphea, and threatened the safety of the private residence of the National Assembly’s First Vice-President; whereas reports suggested that police and other state security forces looked on while the attacks took place;
 - D. whereas on 30 October 2015 opposition party deputy leader Kem Sokha was removed from his position as First Vice-President of the National Assembly by the ruling Cambodian People’s Party (CPP) during a session boycotted by the CNRP; whereas granting the CNRP the post of Vice-President was one of the key concessions which the governing CPP granted the CNRP in July 2014 to end its one-year boycott of parliament after the 2013 elections;
 - E. whereas Prime Minister Hun Sen has been in power for over 30 years while his security forces are enjoying impunity for serious human rights abuses;
 - F. whereas 11 opposition activists have been serving prison sentences of between seven and 20 years for participating in or leading an ‘insurrection’;
 - G. whereas the two political parties CPP and CNRP had reached a political truce in 2014, which had raised hopes for the beginning of a new phase in settling political differences constructively; whereas, despite the agreement, the political climate in Cambodia remains tense;
 - H. whereas the right to freedom of expression is enshrined in Article 41 of the Cambodian Constitution, and the right of political participation in Article 35 thereof;

- I. whereas despite widespread criticism from civil society and the international community the recent promulgation of the Law on Associations and NGOs (LANGO) has given state authorities arbitrary powers to shut down and block the creation of human rights-defending organisations and has already begun deterring human rights defence work in Cambodia and impeding civil society action;
 - J. whereas the UN Special Rapporteur on the rights to freedom of peaceful assembly and association has stated that civil society in Cambodia has been excluded from the LANGO drafting process;
 - K. whereas the Government of Cambodia approved the draft Law on Trade Unions on 13 November 2015;
 - L. 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; whereas Cambodia is highly dependent on development assistance;
1. Expresses its deep concerns about the worsening climate for opposition politicians and activists, and human rights, social and environmental activists in Cambodia, and condemns all acts of violence and politically motivated charges, sentences and convictions against opposition politicians, activists and human rights defenders in Cambodia;
 2. Urges the Cambodian authorities to revoke the arrest warrant and drop all charges issued against opposition leader Sam Rainsy and CNRP members of the National Assembly and Senate, including Senator Hong Sok Hour and CNRP activists and organisers, to allow them to work freely without fear of arrest or persecution, and to end political use of the courts to prosecute people on politically-motivated and trumped-up charges;
 3. Calls on the National Assembly to reinstate Sam Rainsy immediately and to restore his parliamentary immunity;
 4. 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;
 5. Encourages the government to work towards strengthening democracy and the rule of law and to respect human rights and fundamental freedoms, which includes fully complying with the constitutional provisions concerning pluralism and freedom of association and expression;
 6. Recalls that a non-threatening environment of democratic dialogue is essential for political stability, democracy and a peaceful society in the country and urges the government to take all the necessary measures to ensure the security of all democratically elected representatives of Cambodia, irrespective of their political affiliation;
 7. Notes that the 'culture of dialogue' between the leaders of the CPP and CNRP brought hope that Cambodia's democracy was on a positive trajectory; calls on the Government of Cambodia and the opposition to engage in a serious and meaningful dialogue;
 8. Calls on the government to ensure full and impartial investigations with United Nations participation, leading to prosecution of all those responsible for the recent brutal attack on

the two CNRP members of the National Assembly by members of the armed forces and for military and police use of excessive force to suppress demonstrations, strikes and social unrest;

9. Urges the government to abrogate the Law on Associations and Non-Governmental Organisations, the recent promulgation of which has given state authorities arbitrary powers to shut down and block the creation of human rights organisations and has already begun deterring human rights defence work in Cambodia;
10. Urges the government and parliament to ensure genuine and serious consultation with all those affected by draft legislation such as the Trade Union, Cybercrime and Telecommunications Laws and to ensure that the texts are in line with Cambodia's human rights obligations and commitments under domestic and international law;
11. Calls on the Cambodian Government to end arbitrary detentions and suspicious disappearances and allow voluntary and human rights organisations to operate freely; calls on the Cambodian Government to seriously investigate the disappearance of Khem Sapath;
12. Calls on the relevant government authorities to drop the prosecution of human rights defenders under other laws in force which are being used to persecute them for their human rights work, and to immediately and unconditionally release all those jailed on politically motivated and trumped up charges;
13. Calls on the Member States, the High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service and the Commission, in line with the EU's Strategic Framework on Human Rights and Democracy, to immediately raise the above concerns and recommendations with the Cambodian authorities;
14. 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.