

# TEXT ADOPTED

**at the sitting of**

**Thursday**  
16 January 2014



## **P7\_TA-PROV(2014)0044**

### **Situation of rights defenders and opposition activists in Cambodia and Laos**

#### **European Parliament resolution of 16 January 2014 on the situation of rights defenders and opposition activists in Cambodia and Laos (2014/2515(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Cambodia and Laos,
- 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 statement by the spokesperson of Vice President / High Representative Catherine Ashton following the elections in Cambodia of 29 July 2013,
- having regard to the report of the UN Special Rapporteur on the situation of human rights in Cambodia of 5 August 2013,
- having regard to the report ‘Bittersweet harvest – A human rights impact assessment of the European Union’s Everything But Arms initiative in Cambodia’ by Equitable Cambodia and Inclusive Development International of 2013,
- having regard to the 1997 Cooperation Agreement between the European Community and the Kingdom of Cambodia,
- having regard to the statement by the spokesperson of Vice-President / High Representative Catherine Ashton on the disappearance of Sombath Somphone in Laos, of 21 December 2012,
- having regard to the statement made by the European Development Partners on 19 November 2013 at the Round Table Meeting organised by the Lao People’s Democratic Republic,
- having regard to the Cooperation Agreement between the EU and the Lao People’s Democratic Republic of 1 December 1997,
- having regard to the 2008 EU Guidelines on Human Rights Defenders,
- 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 1948,
- having regard to the International Covenant on Civil and Political Rights of 1966,
- having regard to Rules 122(5) and 110(4) of its Rules of Procedure,

## *Cambodia*

- A. 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;
- B. whereas 23 people, including rights defenders, were arrested during the recent events and were reportedly beaten and tortured;
- C. whereas the tension, which escalated with the police presence, resulted in a ban on demonstrations;
- D. whereas the right to freedom of peaceful assembly is enshrined in Cambodia's constitution, in Article 20 of the Universal Declaration of Human Rights and in Article 21 of the International Covenant on Civil and Political Rights;
- E. whereas Cambodia National Rescue Party (CNRP) leaders Sam Rainsy and Kem Sokha were summoned to appear at the Phnom Penh Municipal Court on 14 January for questioning; whereas Sam Rainsy and Kem Sokha may be convicted of incitement to civil unrest;
- F. whereas the authorities did not take all the necessary measures to address some of the key shortcomings of the electoral process such as improving the reliability of the voter list, ensuring equitable access to the media and preventing the use of state resources, including campaigning by civil servants and the military;
- G. whereas the King amnestied Sam Rainsy on 14 July 2013, making it possible for him to return to Cambodia; whereas, however, his right to vote and run in the elections was not restored;
- H. whereas in September 2013, following the announcement of the electoral results, the CNRP launched three days of non-violent mass demonstrations against the official results of the National Assembly elections; whereas in response to these peaceful protests the government deployed large numbers of armed police and gendarmes;
- I. whereas there has been ongoing harassment of human rights defenders, in the form of arbitrary arrests or sentencing on false or exaggerated charges for the peaceful exercise of human rights. And whereas a climate of impunity for such acts prevails;
- J. whereas Cambodia has been faced with serious challenges as regards its human rights situation, particularly as a result of systematic land expropriations and corruption by the government, the ruling party and private actors with official support and protection;
- K. whereas the UN Special Rapporteur on the situation of human rights in Cambodia will carry out an official visit to the country from 12 to 17 January 2014;
- L. whereas the EU is Cambodia's single largest donor;
- M. whereas many international companies, including European companies, have allegedly been involved in land right violations, notably in the sugar sector, and whereas in November 2013 Coca-Cola pledged 'zero tolerance' of uncompensated land evictions;

## ***Laos***

- N. whereas Sombath Somphone, a human rights and environmental rights activist and civil society leader, co-chair of the 9th Asia-Europe People's Forum held in Vientiane in October 2012 ahead of the ASEM 9 Summit, was allegedly the victim of an enforced disappearance on 15 December 2012 in Vientiane; whereas Sombath Somphone's family have been unable to locate him since that day, despite repeated appeals to the local authorities and searches in the surrounding area;
- O. whereas during the visit of the Delegation for relations with the countries of South East Asia and the Association of South East Nations (ASEAN) to Laos on 28 October 2013 the disappearance of Sombath Somphone was raised with the Lao authorities;
- P. whereas crucial questions linked to the case, including whether or not an investigation has been carried out, remain unsolved more than a year after his disappearance and the Lao authorities declined assistance from abroad for the investigation into the disappearance;
- Q. whereas European partners of Laos regard the unexplained disappearance of Sombath Somphone as a very serious matter and regard the statements made by the government on this case as neither sufficient nor convincing;
- R. whereas on 15 December 2013 62 NGOs called for a new investigation into his disappearance; whereas on 16 December 2013 the UN Working Group on Enforced or Involuntary Disappearances urged the Government of Laos to do its utmost to locate Sombath Somphone, to establish his fate and whereabouts, and to hold the perpetrators accountable;
- S. whereas there have been several other cases of enforced disappearances; whereas to this day the whereabouts of nine other people – two women, Kingkeo and Somchit, and seven men, Soubinh, Souane, Sinpasong, Khamson, Nou, Somkhit, and Sourigna – who were arbitrarily detained by the Lao security forces in November 2009 in various locations across the country remain unknown;
- T. whereas Laos has demonstrated the fastest economic growth in Southeast Asia in recent years, and the work of civil society is critical in ensuring that human rights are not sidelined during Laos' rapid development;

## ***Cambodia***

- 1. Extends its condolences to the families of the victims; condemns the disproportionate and excessive use of force by security forces in Cambodia, which resulted in the loss of lives and left people wounded;
- 2. Calls on the Cambodian authorities to exercise restraint towards protestors and recalls that any use of force by officials must be subject to the principles of legality, necessity and proportionality;
- 3. Calls on the Cambodian authorities to immediately release the 23 people unjustly arrested;
- 4. Urges the Cambodian authorities to thoroughly investigate and hold to account those responsible for deaths and injuries among peaceful protesters;

5. 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;
6. Calls on the Cambodian Government to strengthen democracy, the rule of law, and respect for human rights and fundamental freedoms, and to immediately revoke the ban on public assemblies;
7. 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 issued to the CNRP leaders, Sam Rainsy and Kem Sokha, and union leader Rong Chhun of the Cambodia Independent Teachers' Association (CITA) and the Cambodian Confederation of Unions (CCFU);
8. 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;
9. 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;
10. Calls on the Cambodian Government and Parliament to pass and implement laws to ensure that the justice system functions independently from political control and corruption;
11. Calls on the Cambodian Government to establish a National Human Rights Institution, to fully cooperate with the UN special procedures and to allow, in particular, a visit by the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the rights to freedom of peaceful assembly and of association;
12. Urges the Cambodian Government to cease all forced evictions and introduce and enforce a moratorium on evictions in Cambodia until a transparent and accountable legal framework and relevant policies are in place to ensure that evictions are conducted only in accordance with international standards; calls on international companies not to benefit directly from these forced evictions without fair compensation;
13. Welcomes the visit of the UN Special Rapporteur on the situation of human rights in Cambodia from 12 to 17 January 2014 and asks the Cambodian Government to comply with the recommendations made in the Rapporteur's reports;
14. Welcomes initiatives such as the recently launched Garment Industries Transparency Initiative (GITI), conceived as a joint approach by governments, the business sector and civil society in both producing and consuming countries and aimed at finding agreement

on comprehensive, jointly monitored labour standards;

15. Calls for the EU institutions, the Member States and European and multinational companies actively to support this and similar initiatives and to engage in ethical, socially responsible corporate practices, including guaranteeing fair labour standards and living wages, recognising the right to unionise and engage in collective bargaining, and ensuring safe and humane working conditions for all workers;
16. Calls on the Commission to act, as a matter of urgency, on the findings of the recent human rights impact assessment of the functioning of the EU's Everything But Arms (EBA) initiative in Cambodia and to consider including, in the criteria for exporters from least developed countries seeking to take advantage of EBA privileges, an obligation to testify that they have not evicted people from their land and homes without adequate compensation;
17. Calls on the Vice President / High Representative to closely monitor the situation in Cambodia;

### ***Laos***

18. Calls on the Lao Government to clarify the state of the investigation into the whereabouts of Sombath Somphone, to answer the many outstanding questions around Sombath's disappearance, and to seek and accept assistance from foreign forensic and law enforcement experts;
19. Considers that the lack of reaction from the Lao Government raises suspicions that the authorities could be involved in his abduction;
20. Reiterates its call on the Vice-President / High Representative to closely monitor the Lao Government's investigations into the disappearance of Sombath Somphone;
21. Calls on the Member States to continue raising the case of Sombath Somphone with the Lao Government; stresses that enforced disappearances remain a major impediment to Laos joining the UN Human Rights Council;
22. Calls on the Lao Government to undertake a thorough, impartial, and effective investigation into all allegations of enforced disappearances, and to address the ongoing repression of civil and political rights, including freedom of expression, association and peaceful assembly, in Laos, to ensure respect for and protect the rights of all human rights defenders, activists, minorities, and members of civil society and to protect the right to freedom of religion or belief;
23. Calls on the Lao Government to ratify without further delay the International Convention for the Protection of all Persons from Enforced Disappearance, signed back in 2008;
24. Calls on the Lao authorities to ensure the promotion of reforms that guarantee respect for fundamental human rights and reminds Laos about its international obligations under the human rights treaties it has ratified;
25. Expresses its concern at forced expropriations and evictions without compensation and corruption in Laos;

26. 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 EU Special Representative for Human Rights, the governments and parliaments of the Member States, the ASEAN Secretariat, the UN Secretary-General, the UN High Commissioner for Human Rights, the Government and National Assembly of the Kingdom of Cambodia and the Government and Parliament of Laos.

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