

German Federal Foreign Office

To the  
President of the German Bundestag  
Dr Wolfgang Schauble, Member of the  
German Bundestag  
Platz der Republik 1  
11011 Berlin

Walter J.Lindner  
State Secretary of the German Federal  
Foreign Office

Berlin, 14 Feb. 2018

Minor interpellation submitted by the Members of the Bundestag Dr Frithjof Schmidt, Uwe Kekeritz, Margarete Bause, Kai Gehring, Dr Franziska Brantner, Agnieszka Brugger, Katja Keul, Dr Tobias Lindner, Omid Nouripour, Cem Özdemir, Claudia Roth, Manuel Sarrazin, Jürgen Trittin, Ottmar von Holtz and the Alliance 90/The Greens parliamentary group

Bundestag printed paper No. 19-604 of 1 February 2018

Title - Democracy and Human Rights in Cambodia

Dear President,

Please find enclosed the answer of the Federal Government to the above-specified minor interpellation.

Yours sincerely,

Answer of the Federal Government to the minor interpellation submitted by the Members of the German Bundestag Dr Frithjof Schmidt, Uwe Kekeritz, Margarete Bause, Kai Gehring, Dr Franziska Brantner, Agnieszka Brugger, Katja Keul, Dr Tobias Lindner, Omid Nouripour, Cem Özdemir, Claudia Roth, Manuel Sarrazin, Jürgen Trittin, Ottmar von Holtz and the Alliance 90/The Greens parliamentary group

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## **Democracy and Human Rights in Cambodia**

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### Preliminary remarks of the questioner

*Since the communal elections in June 2017, the dismantling of democracy and human rights in Cambodia has accelerated. This development is reflected with particular virulence in the government repression of the free press and the political opposition.*

*Numerous radio stations and the English-language newspaper Cambodian Daily have been forced to close under the pretext of unpaid taxes. (See: <http://www.spiegel.de/politik/ausland/kambodscha-china-kommt-die-demokratie-geht-a-1167432.html>)*

*Opposition members have either been arrested or have gone into exile to avoid imprisonment. The most salient, but not only, example here is the arrest of the President of the Cambodia National Rescue Party (CNRP), Kem Sokha, on 3 September 2017 and the escape into exile of CNRP Vice President and former minister, Mu Sochua, in October 2017. (See <https://www.nytimes.com/2017/09/02/world/asia/cambodia-kem-sokha-arrest-hun-sen.html> and <https://www.theguardian.com/world/2017/nov/16/death-of-democracy-cambodia-court-dissolves-opposition-hun-sen> and <http://www.taz.de/!54602081>)*

*After 20 parties were banned in October 2017, the CNRP, which is not only Cambodia's main opposition party but also the only one represented in Cambodia's National Assembly, was dissolved on 16 November 2017 following a complaint filed by the Interior Ministry. 118 elected members of parliament protected by immunity are thus no longer able to fulfil the political mandate given to them by their voters. The ruling party, Cambodian People's Party (CPP), is now the only political party left in parliament. That is incompatible with the basic principles of a pluralist democracy. (See: <https://www.theguardian.com/world/2017/nov/16/death-of-democracy-cambodia-court-dissolves-opposition-hun-sen>)*

*The independent work of a political opposition and a free press is an indispensable part of every democracy. The critical voices of journalists, defenders of human rights such as Tep Vanny and politicians of the opposition must not be silenced by threats, by deprivation of their livelihood, imprisonment or forced exile, like the former CNRP President Sam Rainsy. Elected opposition politicians such as Kem Sokha and Mu Sochua must be given the opportunity to carry out their political mandate (See: <https://www.amnesty.org/en/latest/news/2017/10/5/cambodia-courts-of-injustice/> and <http://www.dw.com/de/haftstrafe-f%C3%BCr-ex-oppositionsf%C3%BChrer-in-kambodscha/a-38200966>)*

*With Resolution 2017/3002(RSP) of 14 December 2017, the European Parliament sharply condemned these developments and clearly stated that the respect and observance of fundamental human rights is a precondition for granting imports from Cambodia duty-free entry ("Everything but Arms"). Furthermore, the European Parliament has established that the elections scheduled for 2018 lack legitimacy on account of the banning of the CNRP and welcomes the decision of the European Commission to freeze financial aid for the National Election Commission. In the opinion of the questioners, the Federal Government has so far failed to take a similar clear position.*

Preliminary remarks of the Federal Government:

The Federal Government has responded to the increasing repression of the opposition, the press and human rights organisations and has addressed these developments in its talks with members of the Cambodian Government and in talks with the Cambodian Embassy since 2016.

Following the arrest of the Cambodian opposition leader Kem Sokha in September 2017, the Federal Government has repeatedly called for his immediate release in numerous talks with the Cambodian Government. After the dissolution of the opposition party in early November 2017, the Federal Government indefinitely postponed the signing of a "Memorandum of Understanding" on political consultation and cancelled the trip of the Cambodian Minister of the Interior Sar Kheng to Germany, which was scheduled for the end of November 2017.

The Federal Government also successfully called for the European Union to take united action to restrict trade preferences granted to Cambodia, suspend support for the National Election Commission and review the budget support programme.

On a bilateral level, preferential visa treatment for high-ranking Cambodian government officials has been suspended.

*We ask the Federal Government:*

- 1. In view of increasing state repression against the press and political opposition in Cambodia, does the Federal Government see grounds to withdraw the trade preferences granted to Cambodia through the EU's "Everything but Arms" initiative in part or in full in accordance with Article 19 (EU) No. 978/2012?*

The political situation in Cambodia has been regularly addressed by the European Union, also upon the initiative of the Federal Government. The Federal Government is advocating a request to the European Commission by European Council conclusion to step up its surveillance of the situation in Cambodia and conduct a more detailed sector-related review with respect to Article 19 of Regulation (EU) No. 978 of the European Parliament and the Council of 25 October 2012 applying a scheme of generalised tariff preferences (GSP). According to the European Commission, the conditions for Article 19 are not yet given.

- 2. In view of the increasing state repression of the press and political opposition, will the Federal Government advocate a partial or complete withdrawal of the EU trade preferences for Cambodia (granted by the "Everything but Arms" initiative), a step that has been taken in the past in relation to the EU's scheme of generalised tariff preferences (see Myanmar (1997) on account of forced labour, Belarus (2007) on account of violations against the ILO Convention 98 and Sri Lanka (2010) on account of violations against the Covenant on Civil and Political Rights, the Convention against Torture and the Convention on the Rights of the Children), at one of the upcoming Council meetings?*

*If not, why not?*

The Federal Government has successfully endorsed a regular review of the "Everything but Arms" (EBA) trade preferences granted to Cambodia in the framework of the scheme of generalised tariff preferences (GSP) of the European Union in various committees.

The European Commission has stated that a temporary EBA withdrawal against Cambodia is not yet possible as the necessary preconditions for this in accordance with Regulation (EU) No. 978 of the European Parliament are not yet given. Further developments in the internal political situation will continue to be observed intensively and critically. The Cambodian Government has been informed of the review. The Federal Government supports the efforts of the European Commission to work towards improving the situation by means of an intensified consultation process. Of the cases specified in the question about preferences temporarily withdrawn by the European Union, only that of Myanmar involved a least developed country (LDC).

The current legal basis for the complete or partial withdrawal of EBA preferences for an LDC, Regulation (EU) No. 978 of the European Parliament and the Council of 25 October 2012 applying a scheme of generalized trade preferences, did not exist at that time, meaning that the withdrawal of

preferences without prior review and arrangement was based on a different regulation.

- 3. In view of the increasing state repression against the press and the political opposition, is the Federal Government working within the EU towards targeted sanctions against Cambodia's Prime Minister Hun Sen, his family and the politically responsible leaders of the country, and in what way is it urging other European partners to support such measures (please specify according to the type of measure and group of persons reached)?*

Bilaterally, the Federal Government has withdrawn the facilitations and preferential visa treatment for private travel of government officials, including Prime Minister Hun Sen and his family, high-ranking military and the Chairman of the highest Cambodian court. It has urged its EU partners to take similar measures.

- 4. Is the Federal Government calling for a review or further postponement or suspension of budget support for Cambodia by the European Commission and in what way is it advocating such measures among its European partners?*

The Federal Government has already successfully called for a part of the budget support to be cut and for the support of the National Election Commission to be discontinued. The granting of budget support is still under review.

- 5. Will the Federal Government put the situation of democracy and human rights in Cambodia on the agenda of the next European Council meetings, in particular that of the EU Development Council on 20 February 2018 and the External Relations Council on 26 February 2018? If not, why not?*

The situation in Cambodia is on the agenda of the External Relations Council (ERC) on 26 February 2018. Council conclusions on Cambodia are to be decided at this meeting.

- 6. What implications does the strong increase in state repression have on the implementation of the EU-Cambodia Cooperation Agreement in the opinion of the Federal Government?*

The Federal Government is urging the European Union to significantly restrict its cooperation with Cambodia if the repression of opposition and human rights organisations continues, and confine it to measures directed at combating poverty, improving healthcare and the rule of law. Activities involving civil society should be supported to a greater degree in future.

- 7. What measures and what coordination processes of the donors does the common*

*programming of the EU member states and other donors of development aid in Cambodia provide for, and which have already been applied and with what concrete results?*

The Federal Government has agreed together with the member states of the European Union and Switzerland on a common framework to implement development cooperation in Cambodia. This includes an agreement to focus on rural development, physical infrastructure, sustainable economic development, education and healthcare and a common scheme to review progress. This is also the strategic framework for the orientation of German bilateral development cooperation. This tool has improved coordination between donors, created synergies and increased effectiveness. The impact of the common development cooperation is monitored and published every year (“Annual Monitoring Report of the European Development Cooperation Strategy 2014-2018”).

*8. What political consequences has the Federal Government drawn from the dissolution of the Cambodia National Rescue Party (CNRP) in November 2017?*

The Federal Government protested to the Cambodian Government against the dissolution of the opposition party CNRP and has repeatedly received representatives from the opposition party in the Federal Foreign Office.

On account of the arrest of Kem Sokha and the ensuing dissolution of his party, the Federal Government has suspended the “Memorandum of Understanding” with the Cambodian Government on regular political consultation until further notice.

The Federal Government has also indefinitely postponed the planned trip to Germany of the Cambodian Minister of the Interior, Sar Kheng, scheduled for late November 2017.

*9. Has the federal government called for the release of the elected opposition politician Kem Sokha following his arrest in September 2017? If so, what action did it take?*

The Federal Government has repeatedly called for the immediate release of opposition leader Kem Sokha in talks with the Cambodian Government.

The German Embassy in Phnom Penh shares information with relatives and staff of Kem Sokha concerning his conditions of imprisonment. The German Embassy and the local Delegation of the European Union have also applied to the competent authorities to visit Sokha in prison but have so far not been granted permission to do so.

*10. What concrete measures is the Federal Government using to work towards a return of opposition politicians from exile, including, among others, Sam Rainsy and Mu Sochua?*

In talks with the Cambodian Government in Phnom Penh and the Cambodian Embassy in Berlin, the Federal Government has repeatedly called for the annulment of the decisions to dissolve the opposition party (CNRP) and the prohibition on 118 leading members of the party to exercise their profession. The Federal Government has also announced that it will adapt its policy towards Cambodia in view of the modified circumstances.

The European Union is also preparing Council conclusions on dealing with the situation in Cambodia with the active participation of Germany.

*11. What is the financial scope of the bilateral development cooperation with Cambodia (please list separately for the years 2015, 2016 and 2017) and in what way has German bilateral development cooperation been affected by the increasing state repression since 2017?*

In 2015 the Federal Government granted the Cambodian Government 41.54 million euros including funds for the special initiative “Eine Welt ohne Hunger” (One World - No Hunger). No funds were pledged in 2016. In April 2017, in view of the regional elections in July 2017, which were generally regarded as fair and free, a further 36.8 million euros were pledged. German involvement to promote good governance with a focus on decentralisation is currently being reviewed on account of the recent political developments.

German development cooperation with Cambodia is focused on reducing poverty and giving the poor access to healthcare services of adequate quality. This commitment is being continued out of humanitarian considerations.

*12. What consequences does the Federal Government draw from the strong increase in state repression against the press and the political opposition since 2017 for Germany's bilateral development cooperation with Cambodia (please answer according to the individual priority areas)?*

The Federal Government has cancelled a scheduled high-ranking study trip headed by the Cambodian Interior Minister, clearly specifying the political developments as the reason. Please also refer to the answer to Question 11.

*13. What are the plans for bilateral development cooperation with Cambodia in 2018 and beyond (if applicable) and to what extent have these plans been adapted to the country's recent political developments?*

The Federal Government is currently reviewing Germany's commitment in the area of good governance. Poverty reduction and the support of vulnerable sections of the population are being

continued out of humanitarian considerations. These programmes set out and enforce a successive increase in the contribution of the government. Please also refer to the answer to Question 11.

*14. What achievements and effects have the measures in the priority areas of German development cooperation with Cambodia (healthcare, rural development, fostering democracy and good governance, strengthening public administration and civil society activities) attained so far (please detail separately for each individual area)?*

In the area of “rural development”, German development cooperation has seen the incomes of one million households in rural regions increase by over 50 percent. In addition, 2,300 kilometres of rural roads have been repaired.

In healthcare, maternal and infant mortality has dropped by almost two thirds since the start of the project. Already now, over 50 percent of the Cambodian population have free access to public healthcare services. The whole population should have access by 2025. A quality management system has been set up.

Public services are available at transparent prices and for transparent periods of time. Public services have now been pooled.

In the area of “civil society activities” German development cooperation has involved civil society organisations extensively in all measures and has successfully integrated them in consultation rounds between the donors and the government. Furthermore, German development cooperation has strengthened both the accountability of the government to civil society and dialogue on a decentralised level.

*15. In what way does the Federal Government work towards free and fair elections for the national parliament?*

In all its talks with members of the Cambodian Government and the Cambodian Embassy in Berlin, the Federal Government has repeatedly emphasised the importance of free and fair elections. It underlined, in particular, the importance of a level playing field for all parties. As these conditions are not being met at present, the European Union and its member states have suspended financial support for the National Election Committee (NEC).

*16. With what concrete measures is the Federal Government supporting the at-risk and persecuted human rights defenders such as Tep Vanny?*

The German Embassy in Phnom Penh has, among other things, observed the proceedings in the defamation case against Equitable Cambodia and against the activist Ny Chakrya of the Cambodian

Human Rights and Development Association (ADHOC) in the provincial capital Siem Reap, and visited five activists of ADHOC in prison in Phnom Penh. The Embassy also visited the offices of ADHOC and the Cambodian League for the Promotion and Defense of Human Rights (LICADHO) to make a clear demonstration of support for their work. A special project in 2017, among other things, fostered the coordination between human rights organisations. The Delegation of the European Union in Phnom Penh also has a hotline for human rights defenders that provides support and legal advice.

*17. In what way does the Federal Government protect and support civil society activists (for example, land rights activists such as Doem Kundy and Hun Vannak from the environmental organisation Mother Nature Cambodia) and partners of German and European development cooperation?*

The Federal Government is in close contact with civil society organisations in the country via the German Embassy in Phnom Penh. The member states of the European Union that are represented in the country are also in regular communication with civil society activists.

The member states of the European Union are always prepared to offer support to Cambodian civil society organisations (e.g. financial support) when needed. The Delegation of the European Union has informed the non-governmental organisations in the development policy donor group in Cambodia of this offer, both generally and in bilateral talks.

The Federal Government addressed the Law on Non-Governmental Organisations (LANGO) and the five imprisoned ADHOC activists in the intergovernmental negotiations on development cooperation.

*18. What concrete measures has the Federal Government taken to support at-risk journalists?*

In talks with the Cambodian Government and with the Cambodian Embassy in Berlin, the Federal Government has addressed the domestic political situation of Cambodia at length and emphasised the importance of a free press for democratic processes.