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*Plenary sitting*

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**B8-0370/2018**

11.9.2018

## **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 Cambodia, notably the case of Kem Sokha  
(2018/2842(RSP))

**Elena Valenciano, Soraya Post, David Martin**  
on behalf of the S&D Group

**B8-0370/2018**

**European Parliament resolution on Cambodia, notably the case of Kem Sokha (2018/2842(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Cambodia, notably those of 14 December 2017 and 14 September 2017,
- having regard to the Statement by the Spokesperson of the Vice President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy on the general elections in Cambodia of 30 July 2018,
- having regard to the Council conclusions on Cambodia of 26 February 2018,
- having regard to the evaluation mission of the European Commission and European External Action Service to Cambodia of 5-11 July 2018,
- having regard to the Statements by the Spokesperson of the EU Delegation to Cambodia of 3 September 2017 and 25 August 2017 on restrictions of political space in Cambodia,
- having regard to the 2008 EU Guidelines on Human Rights Defenders,
- having regard to the Comment by the United Nations High Commissioner for Human Rights of 4 September 2017 on arrest of Cambodian opposition leader Kem Sokha, and the statement by Spokesperson for UN Secretary-General of 25 August on Cambodia,
- having regard to the Report of the UN Special Rapporteur on the situation of human rights in Cambodia of 29 September 2017, and the statement of the Special Rapporteurs on media freedoms in Cambodia ahead of the vote of 15 June 2018,
- having regard to the statement of the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein on the Cambodian opposition ban of 17 November 2017,
- having regard to the UN Human Rights Committee's concluding observations of 27 April 2015 on the second periodic report on Cambodia,
- having regard to the Report by ASEAN Parliamentarians for Human Rights of March 2017,
- having regard to the 1997 Cooperation Agreement between the European Community and the Kingdom of Cambodia,
- 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 the International Labour Organisation Convention on Freedom of Association and Protection of the Right to Organise,
- having regard to the 1991 Paris Peace Accords,
- having regard to the ASEAN Charter,
- having regard to the Cambodian Constitution, in particular Article 35 thereof, in which the right to political participation is enshrined and Article 80 on parliamentary immunity;
- having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

- A. whereas the ruling Cambodian People's Party (CPP) won 100% of the contested seats in the National Assembly election held on 29 July 2018 and in the Senate election held on 25 February 2018; whereas this followed the dissolution of the main opposition party, the Cambodia National Rescue Party (CNRP), in 2017 and the redistribution of its parliamentary and commune level seats to unelected members of the CPP and other parties;
- B. whereas on 3 September 2017 Kem Sokha, the president of the CNRP, was arrested and charged with treason under Article 443 of the Cambodian Criminal Code, despite having parliamentary immunity; whereas he has been detained for over a year with all bail requests refused; whereas on 30 August 2018 his detention was further extended; whereas he faces up to 30 years in prison if found guilty;
- C. whereas the arrest and detention of Kem Sokha occurred amidst widespread and systematic repression of political and electoral rights in Cambodia; whereas there has been a steady increase in arrests and detention of members of the political opposition and political commentators; whereas the previous president of the CNRP, Sam Rainsy, was convicted of criminal defamation and now lives in exile;
- D. whereas the right of political participation is enshrined in Article 41 of the Cambodian Constitution; whereas the amended 2017 Law on Political Parties includes numerous restrictions for the participation of opposition parties including the dissolution of parties if its leaders hold criminal convictions; whereas the 2018 elections in Cambodia were de facto non-competitive and failed to meet minimum international standards for democratic elections; whereas the European Union and the United States of America suspended their financial assistance to the Cambodian National Election Committee and declined to observe the elections;
- E. whereas trade unionists, human rights activists and civil society organisations are operating in an increasingly restricted space in Cambodia and face harassment, intimidations and arbitrary arrest; whereas the 2015 amended Law on Association and Non-Governmental Organisations (LANGO) severely restricts freedom of association and expression, including by establishing government control and censorship over the work of NGOs; whereas the Trade Union Law restricts freedom of association and places unnecessary obstacles and burdens on registration procedures and operations of trade

unions; whereas five human rights defenders from the Cambodian Human Rights and Development Association (ADHOC) have been charged with bribery and face up to 10 years in prison if found guilty;

- F. whereas independent media has faced a severe crackdown; whereas national and provincial radio broadcasts have been taken off air including Voice of Democracy, Radio Free Asia and Voice of America; whereas the independent English-language newspaper The Cambodia Daily was forced to close in 2017 after facing an extortionate tax bill; whereas independent media and press face arbitrary investigations into tax and licencing;
  - G. whereas social media networks have also come under attack; whereas in May the Government issued a regulation restricting the rights to freedom of expression, press and publication and empowering the government to police social media networks to uncover and silence online dissent in Cambodia;
  - H. whereas as a Least Developed Country, Cambodia benefits from the Everything But Arms (EBA) scheme under the EU's Generalised Scheme of Preferences (GSP), which grants duty free, quota free access to the EU market; whereas this preferential access can be suspended for countries which engage in serious and systematic violations of core human rights or labour conventions; whereas in this context the European Commission and European External Action Service visited Cambodia in July 2018 to evaluate the situation on the ground, as previously called for by the European Parliament;
1. Expresses serious concerns at the conduct and results of the 2018 elections in Cambodia which failed to produce a credible process and was widely condemned by the international community;
  2. Denounces the extension of the detention period of Kem Sokha; calls for his parliamentary immunity to be respected, for all charges to be dropped and for his immediate release; further calls for other politically-motivated charges and rulings against opposition politicians including Sam Rainsy to be dropped immediately;
  3. Reiterates grave concern at the deteriorating situation for civil society organisations and human rights defenders in Cambodia; calls for the government and state institutions to cease all harassment and intimidation of NGOs and for rights including the rights to assembly, association and expression to be fully respected; recalls that ensuring space in civil and political life for NGOs to operate is a necessary component of a functioning democracy;
  4. Reaffirms its belief that the dissolution of the CNRP constitutes political oppression and calls for the party's immediate legal reinstatement; further calls for the Cambodian parliament to repeal all recent amendments to the Law on Political Parties, to cease the campaign of harassment, arbitrary arrests, and physical attacks on political opposition members and supporters, to engage in dialogue with the opposition and to ensure genuine open space for political activities;
  5. Recalls its previous criticisms of the judiciary in Cambodia for failing to operate in an independent and impartial manner; regrets the continuing deterioration of judicial

independence and calls on the government of Cambodia to ensure fair trials and procedural safeguards;

6. Supports the decision to suspend EU electoral support and direct budget support to Cambodia; recalls the national and international obligations on democratic principles and fundamental human rights to which Cambodia has committed itself; urges the Cambodian government to engage in reforms in order to advance democracy and apply internationally-recognised minimum standards for future electoral processes, including the organisation of multiparty, genuine, free and fair elections, the establishment of genuinely independent National Election Committee and the involvement of NGOs and independent media in election monitoring and reporting;
7. Deeply regrets the increasing restrictions on independent and opposition-supporting media including the withdrawal of licences, arbitrary and unsubstantiated investigations and financial penalties leading to the closure of print and broadcast outlets; calls on the government of Cambodia to ensure an immediate opening of media space both online and offline, to repeal repressive laws which allow for censorship and control over the media and to allow genuine media plurality and freedom of expression;
8. Welcomes the dedicated mission to Cambodia from the Commission and EEAS in relation to ongoing EBA trade preferences; urges the Commission to continue its investigation including into land grabbing issues, and report its findings and conclusions to the European Parliament; recalls that in accordance with EBA requirements, trade preferences should be suspended if Cambodia is in violation of its human rights obligations;
9. Calls on the EEAS and the Commission to impose visa restrictions and asset freezes on individuals responsible for the dissolution of the opposition and other serious human rights violations, including officials who were the subject of Human Rights Watch report from June 2018;
10. Calls on the EEAS and EU member states to take action and lead efforts at the upcoming 39th session of the UN Human Rights Council towards the adoption of a strong resolution addressing the human rights situation in Cambodia;
11. Calls on the Cambodian government to renew the Memorandum of Understanding (MoU) with the UN Office of the High Commissioner for Human Rights (OHCHR) in Cambodia upon its expiry on 31 December 2018;
12. Urges the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy and the EU Special Representative for Human Rights to use all means available to protect the fundamental rights of the Cambodian people and encourage political, judicial and electoral reforms;
13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the European Commission/High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service, the EU Special Representative for Human Rights, the Government and National Assembly of Cambodia and the governments and parliaments of the ASEAN member states.

