



Plenary sitting

B8-0373/2018

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))

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gon behalf of the GUE/NGL Group

B8-0373/2018

**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, in particular that of 13 December 2017,
- having regard to the Universal Declaration of Human Rights of 10 December 1948,
- having regard to the United Nations Declaration on Human Rights Defenders of 1998,
- having regard to the International Covenant on Economic, Social Rights and the International Covenant on Civil and Political Rights,
- having regard to the United Nations Basic Principles on the Independence of the Judiciary (1985),
- having regard to the Bangalore Principles on judicial conduct (2002),
- having regard to the Declaration on the Rights of Indigenous Peoples of 13 December 2007,
- having regard to Convention 169 of the ILO on Indigenous and Tribal Peoples;
- having regard to the International Labour Organization (ILO) Conventions, in particular: the Freedom of Association and Trade Union Rights (No. 87), the Right to Organize and Collective Bargaining (No. 98), and the Worst Forms of Child Labour (No. 182);
- having regard to the UN Human Rights Council resolution 26/9 of 26 June 2014, whereby it decided 'to establish an open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, whose mandate shall be to elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises',
- having regard to the statement of the Special Rapporteur on Human Rights in Cambodia, Rhona Smith, following her visit in March 2018,
- having regard to the statement of the UN High Commissioner for Human Rights of June 15, 2018, "Cambodia: UN experts express concerns about media freedoms ahead of vote",
- having regard to the statement of the spokesperson of the UN High Commissioner for Human Rights of August 17, 2018,
- having regard to the Constitution of Cambodia, in particular Article 41, which enshrines the rights and freedoms of speech and assembly, and Article 35 on the right to participation,
- having regard to the 1991 Paris Peace Accords and, in particular, Article 29 of the Agreement on a Comprehensive Political Settlement of the Cambodian Conflict (ARPG)

- 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 the European External Action Service (EEAS), dated 16 November 2017, on the dissolution of the Cambodian National Salvation Party (PSNC),
 - having regard to the statement of the European External Action Service (EEAS) of 30 July 2018 on the general elections in Cambodia,
 - having regard to the statement from the delegation of the European Commission and the European External Action Service (EEAS) which visited Cambodia from 5 to 11 July 2018,
 - having regard to Rule 135 of its Rules of Procedure,
- A. whereas the Prime Minister, Mr. Hun Sen, has been in this position since 1998 and the People's Party of Cambodia, beyond a change of name, has been in power since 1979;
- B. whereas on 29 July elections were held in Cambodia; whereas according to the Electoral Commission, the People's Party of Cambodia won with 80% of the votes; whereas the opening ceremony of the new Parliament of the country was held on August 5 and its 125 seats are in the hands of the People's Party of Cambodia, becoming de facto a one-party state; whereas several countries, institutions and national and international organizations have questioned the credibility of the last elections due to the absence of the main opposition party (Cambodia National Rescue Party, CNRP), just as the enactment of laws which restricts the speech, and the rights to association and assembly and due to the increase of repression against civil society and the independent press in the run-up to the elections;
- C. whereas Kem Sokha, President of the CNRP, has been released on bail on 10 September but it is not clear if the charges against him will be dropped; whereas on September 3, 2017 Kem Sokha, was arrested for "treason and espionage" and he is still pending trial; whereas his charges stem from a public intervention filmed in Australia in which Kem Sokha explained that the United States of America regularly advised him; whereas this constitutes a flagrant crime under Cambodian law;
- D. whereas on November 16, 2017, the Supreme Court of the Kingdom of Cambodia ordered the dissolution of the CNRP amid allegations that it was part of a "coloured revolution" allegedly financed by the United States to overthrow the regime; whereas the Supreme Court prohibited 118 political leaders of this party, to exercise political activities for 5 years; whereas in this context, several opposition leaders have fled abroad;
- E. whereas on 28 August the Cambodian authorities released (after a royal pardon) 14 members of the CNRP; whereas this pardon is coupled with the releases granted to half a dozen activists and journalists;
- F. whereas the country enjoys a flourishing and active civil society, but under increased threats; whereas the NGO Law (LANGO) of 13 July 2015 complicates the work of human rights activists; whereas if the NGOs are not forced to close, the broad and ambiguous provisions of this law, such as the requirement of "neutrality" in Article 24, together with the draconian sanctions, limit and threaten their investigative capacity; whereas human rights defenders continued to be subjected to surveillance, threats, detention and imprisonment, especially those who work in the defence of land and territory; whereas many of the judicial

proceedings were marked by serious violations of the rights of a fair trial, such as the lack of evidence, the denial of defence witnesses and the prevention of cross-examination;

- G. whereas five human rights defenders of the Association for Development and Human Rights of Cambodia (ADHOC), Nay Vanda, Ny Sokha, Yi Soksan, Lim Mony and Ny Chakrya have spent 14 months in pre-trial detention; whereas the Ministry of the Interior ordered the cessation of activities of the Equitable Cambodia (EC) organization for 5 months; whereas Dem Kundy and Hun Vannak of the NGO Mother Nature were sentenced in January to one year in prison; whereas Tep Vanny, an emblematic defender against forced evictions and land grabbing, has recently been pardoned and released after spending more than two years in prison;
- H. whereas in 2015 Cambodia ranked 112 out of 188 countries in the Gender Equality Index of UNDP, the worst of the ten countries in Southeast Asia; whereas historically women are underrepresented in decision-making and leadership capacities; whereas in the political sphere, despite the fact that the number of women heads of commune elected in the 2017 communal elections increased, the total number of councillors decreased; whereas 13,2 percent of adult women have reached at least a secondary level of education compared to 26,1 percent of their male counterparts; whereas for every 100,000 live births, 161 women die from pregnancy related causes and the adolescent birth rate is 51.6 births per 1,000 women of ages 15-19;
- I. whereas, according to a UN report, one fifth of Cambodian women have suffered gender violence and those responsible enjoy impunity; whereas trafficking in human beings (including minors) for the purpose of sexual and labour exploitation remains a serious problem in Cambodia;
- J. whereas several laws have been enacted containing provisions which restricts freedom of expression; whereas in February 2018, the National Assembly approved a draft with amendments to five articles of the Constitution, which threaten to restrict the exercise of fundamental rights and freedoms; whereas the National Assembly also approved a draft amendment to the Criminal Code to add a new offense, entitled "Insulting the King" and defined as any speech, gesture, writing, painting or element that affects their dignity; whereas the reforms of the Law on Political Parties of February and July 2017 gave the Ministry of the Interior and the courts new powers over political parties;
- K. whereas the freedom and diversity of the media have been more restricted forcing the closure or sale of independent local media; whereas some radios were closed; whereas 17 websites were blocked around election day; whereas according to the press freedom index 2018 of Reporters Without Borders, Cambodia is ranked 142 out of 180 countries, which however is one of the best results in Southeast Asia;
- L. whereas on May 24, 2018, the National Electoral Committee introduced a code of conduct for the media that includes the prohibition to disseminate information that may cause "confusion and loss of confidence" in the elections, publish piece of news based on rumours or which makes use of a provocative language that can trigger disorder or violence; whereas the code also forbids the publication of piece of news that affects national security and political and social stability, or that expresses personal opinions or prejudices;
- M. whereas the issue of land rights remains a major concern in Cambodia; whereas private ownership of the land that was abolished under the Khmer Rouge regime partly, explains a number of potentially controversial land issues; whereas the Cambodian authorities have set themselves the objective of completing the land registration procedure in 2023; whereas

however, at least 2 million hectares or 56% of the country's arable land, has been transferred to private companies through long-term leases, mainly through the "Economic Land Concessions" plan (ELC);

- N. whereas under the ELC plan, thousands of people have been forcibly evicted as a result of the massive expansion of the sugar industry; that these Land Economic Concessions (ELC) were also incentivized by, and benefited from, tax-free export to the European Union (EU) under the trade scheme of the Generalized System of Preferences "Everything But Arms" (EBA);
 - O. whereas between 2014 and June 2018, more than 35,500 families were affected by land conflicts with state actors or private companies, that a large number of people have been forcibly expropriated without compensation and that also the NGOs working on these issues and the representatives of the communities have faced intimidation, imprisonment and violence;
 - P. whereas, although the country's growth rate remains high and relatively stable, and that measures are being taken to improve social protection, access to education, and health care, Cambodia is one of the countries in the world with the lowest GDP per capita; whereas 44% of exports of the textile sector, the main financial resource of the country, are destined for the EU; whereas almost one million people (mainly women) work in Cambodia's textile industry and the situation of workers in the sector remains particularly precarious; whereas 70 percent of women work in conditions of vulnerability, with long hours of work for a salary that does not reach \$ 200 per month including overtime; whereas many factories are subcontracted by large brands that, through this system, disregard the conditions of the people who make their garments;
 - Q. whereas the Paris Peace Accords and, in particular, Article 29 of the Agreement for a Global Political Agreement of the Cambodian Conflict (ARPG), allows the Co-Presidents of the Conference (France and Indonesia) to hold urgent consultations with the members of the Conference and relevant stakeholders, with a view to taking appropriate measures to ensure compliance with the commitments of the rule of law and democracy agreements in Cambodia.
1. Expresses its concern for the deterioration of the political situation and the intensification of repression in Cambodia, while condemns all acts of violence, accusations for political reasons, arbitrary arrests, interrogations, intimidations, convictions and penalties against the political opposition and the social movement;
 2. Condemns the dissolution of the CNRP and reiterates its call for the charges against Mr. Kem Sokha and other opposition officials to be lifted; urges the Cambodian authorities to immediately release all prisoners of conscience from prison ;
 3. Urges the authorities to put an end to the prosecution of opposition members, human rights defenders, trade unionists and other civil society activists and journalists, and to ensure a free space for media action and NGOs; in this regard, urges the Cambodian authorities to withdraw all allegations against human rights defenders, in particular members of ADHOC and Mother Nature;
 4. Urges once again the Cambodian authorities to urgently take the necessary steps to respect international law, in particular with respect to the rights of the opposition, freedom of expression and in particular of the press, association and assembly; urges the Government to authorize the opening of radio stations that have been closed;

5. In this regard, asks for a review of the recent amendments to the Constitution, the Criminal Code, the Law on Political Parties, the Law on Trade Unions, the Law on NGOs (LANGO) and all other laws that limit freedom of expression and political freedoms and which are not fully conform to Cambodia's international obligations and standards;
6. Calls on the Cambodian authorities to make every effort to guarantee the independence of the judiciary, in particular with regard to prosecutors and judges; Calls for the right to the presumption of innocence to be respected, for a limited use of preventive detention and for the accused to attend their trials;
7. Reiterates its paramount concern on women's rights; calls on the relevant authorities to promote gender equality and women's empowerment through boosting women and women rights organisations participation in public and political life and combatting all forms of violence against women;
8. Supports the recommendations of the Special Rapporteur of the United Nations, in particular in the fight against land grabbing and judicial mechanisms for the protection of victims; urges the Cambodian authorities to put an end to forced evictions and land grabbing; recalls its request to the authorities of Cambodia to resume dialogue with its partners, including civil society, with a view to achieving comprehensive and inclusive compensation;
9. Calls on the Cambodian government to renew the Memorandum of Understanding (MoU) with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Cambodia when it expires on December 31, 2018;
10. Supports the work of the United Nations Intergovernmental Working Group "to develop an international legally binding instrument that regulates, within the framework of international human rights law, the activities of transnational corporations and other companies"; urges the EU institutions and the Member States to work fully towards this objective, in particular its binding nature;
11. Recalls the obligation to respect international standards and, in particular, ILO Conventions; underlines its concern about the persistence of poverty, although the country has made significant progress over the past 25 years; expresses particular concern about the situation of women working in the textile and sugar industries; Notes that the trade agreement "Everything But Arms" of the EU has contributed greatly to the process of increasing inequalities in the country by promoting the phenomenon of land grabbing that has allowed European multinational companies to dominate sectors to a large extent sugar and textile; calls on the European Commission, in accordance with Article 15, paragraph 1, of the General System of Preferences, to audit this agreement, in particular with regard to economic concessions in the agro-industrial sector;
12. Calls on the European Commission and on the Member States to present a legislative proposal on binding due diligence obligations for supply chains in the garment sector; stresses that this legislative proposal must be aligned with the OECD guidelines on due diligence in the garment and footwear sector, the OECD Guidelines for Multinational Enterprises which are importing into the European Union, the ILO resolution on decent work in supply chains and internationally agreed human rights, social and environmental standards;
13. Instructs its President to forward this resolution to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service, the Governments and the Parliaments

of the Member States, the Member States and the Secretary General of the ASEA, the Secretary General of the United Nations and the United Nations High Commissioner for Human Rights, as well as the Government and the National Assembly of the Kingdom of Cambodia.