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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 122 of the Rules of Procedure

on the situation in Cambodia
(2012/2844(RSP))

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on behalf of the Verts/ALE Group

**European Parliament resolution on the situation in Cambodia
(2012/2844(RSP))**

The European Parliament,

- having regard to the 16 July 2012 report of the United Nations Special Rapporteur on the situation of human rights in Cambodia,
- having regard to the 21st session of the United Nations Human Rights Council of 25 September 2012,
- having regard to the Statement by the Spokesperson of EU High Representative Catherine Aston of 1 October 2012 on the sentencing of Human Rights defenders in Cambodia,
- having regard to the recommendations of the EU Election Observation Mission report on National Assembly Elections of 27 July 2008 in Cambodia,
- having regard to the Cambodia - European Community Strategy Paper for the period 2007-2013,
- having regard to the EU 'Everything But Arms' trade scheme which allows all LDCs, including Cambodia, unhindered access for all its exports, except arms to the EU,
- having regard to the 1998 UN Declaration on Human Rights Defenders,
- having regard to its previous resolutions on Cambodia,
- having regard to Rule 122(5) of its Rules of Procedure;

- A. whereas after two decades of conflict and since the Paris Peace Accords in 1991, Cambodia has made progress in strengthening democracy, human rights and the rule of law;
- B. Whereas however due to the Government's Economic Land Concession (ELC) policy, over the past decade hundreds of thousands of people have been displaced and dispossessed of their land, homes and livelihoods by private companies;
- C. Whereas illegal logging, land grabbing and the consequent loss of arable land, in combination with widespread corruption and violence pose serious threats to sustainability and democracy in Cambodia and have aggravating effects on poverty,
- D. Whereas due to a lack of independent and competent judiciary and the persisting impunity, social protests of those who have been illegally disowned are on the rise
- E. Whereas in June 2012 Prime Minister Hun Sen announced a nation-wide land-titling scheme, which however does not cover disputed areas
- F. whereas the security forces continue to use excessive force against protesters, notably on 12 April 2012 Chut Wutty, one of the most outspoken environmental activists was murdered in defense of indigenous rights and protected forests, on 16 May Heng Chantha, a 14-year-old girl was shot and killed in a land grabbing incident and in September the journalist Hang Serei Oudom who had extensively reported on illegal

logging fell victim to an extrajudicial killing ;

- G. Whereas a 7 May 2012 directive by Prime Minister Hun Sen establishing a moratorium on new ELCs and a review of the existing ones as well as longstanding Cambodian land laws have reportedly not been able to alter the pattern of land grabbing and expropriation, featuring the use of force by the authorities and enterprises and leading to violent clashes with communities;
- H. whereas four human rights defenders Mom Sonando, head of the Association of Democrats of Cambodia and director of the Beehive radio and his co-defendants, Phorn Sreoun, Touch Ream and Kann Sovann were sentenced by the Phnom Penh Municipal Court on 1 October 2012;
- I. whereas according to human rights organisations, at least 50 activists or peaceful protestors have reportedly been subjected to intimidation, arbitrary arrests and detention or violence between January and September 2012;
- J. whereas according to the main findings of the UN Special Rapporteur's report, major flaws exist in the administration of elections in Cambodia and urgent reforms are needed to give Cambodians confidence in the electoral process as the country approaches its general elections in July 2013;
- K. whereas following Cambodia's last national elections, the EU Election Observation Mission in Cambodia called on the Cambodian government to undertake a number of fundamental electoral reforms;
- L. whereas the EU is Cambodia's single largest donor,
1. Underlines the importance of the UN Special rapporteur's conclusion that the "serious and widespread human rights violations associated with land concessions need to be addressed and remedied
 2. Calls on the Cambodian authorities to cease all forced evictions until an accountable legal framework is in place to ensure that evictions are conducted only in accordance with Cambodia's obligations under international human rights law and to ensure that all those forcibly evicted are guaranteed adequate compensation and suitable alternative accommodation
 3. Urges President Hun Sen to order a review of all existing ELCs to ensure that they comply with the 2001 Land Law and the Sub-Decree on ELCs or else be withdrawn; calls on the President to allow in the future for independent domestic and international monitoring of land and extractive industry concessions or licenses and of linked labour and land disputes settlements
 4. Calls in this context on the EU Commission to launch an investigation under Art. 17 of the GSP regulation on the basis of serious and widespread violations of human rights and into agricultural goods imported into the EU from Cambodia and demands that the Commission uses all legal and political measures in its possession to avoid that EU based companies can take advantage of the trade preferences by being complicit in the human rights abuses against the Cambodian population
 5. Calls on the government to stop politically motivated prosecutions and convictions targeting parliamentary opposition politicians, notably Sam Rainsy, media critics, social activists and human rights defenders

6. Stresses that all those responsible for human rights violations should be identified and be held accountable for their actions;
7. Expresses its concern on the sentencing of four human rights defenders in Cambodia on 1 October and intimidation, arbitrary arrests, detention and violence reported by human rights organisations;
8. Calls on the Cambodian authorities to put an end to government led political interference in the Khmer Rouge Tribunal and calls on the international donors to consider future funding in the light of achieved changes
9. Urges the Cambodian government, the National Election Committee and the provincial elections committee to implement the recent UN recommendations to reform the electoral system by ensuring conformance to international standards before, during and after the casting of votes; calls on the European Commission to closely monitor the implementation of the UN recommendations by the Cambodian authorities;
10. Encourages the Cambodian government to continue to strengthen democracy, the rule of law, respect for human rights and fundamental freedoms - in particular freedom of expression and assembly;
11. Instructs its President to forward this resolution to the Government and Parliament of Cambodia, the EU High Representative, the Commission, the EU Special Representative for Human Rights, the parliaments and governments of the Member States, the United Nations High Commissioner for Human Rights and the governments of the ASEAN Member States.