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*Plenary sitting*

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**B8-0764/2016**

7.6.2016

## **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  
(2016/2753(RSP))

**Pier Antonio Panzeri, Josef Weidenholzer, Victor Boștinaru, Knut Fleckenstein, Richard Howitt, Eric Andrieu, Nikos Androulakis, Francisco Assis, Zigmantas Balčytis, Hugues Bayet, Brando Benifei, José Blanco López, Vilija Blinkevičiūtė, Simona Bonafè, Biljana Borzan, Nicola Caputo, Andrea Cozzolino, Andi Cristea, Miriam Dalli, Viorica Dăncilă, Nicola Danti, Isabella De Monte, Jonás Fernández, Monika Flašíková Beňová, Doru-Claudian Frunzuliță, Eider Gardiazabal Rubial, Lidia Joanna Geringer de Oedenberg, Neena Gill, Michela Giuffrida, Enrique Guerrero Salom, Sylvie Guillaume, Sergio Gutiérrez Prieto, Cătălin Sorin Ivan, Liisa Jaakonsaari, Agnes Jongerius, Jude Kirton-Darling, Cécile Kshetu Kyenge, Arne Lietz, Krystyna Łybacka, Louis-Joseph Manscour, Costas Mavrides, Marlene Mizzi, Sorin Moisă, Alessia Maria Mosca, Victor Negrescu, Momchil Nekov, Demetris Papadakis, Vincent Peillon, Pina Picierno, Tonino Picula, Kati Piri, Miroslav Poche, Inmaculada Rodríguez-Piñero Fernández, Daciana Octavia Sârbu, Tibor Szanyi, Claudia Țapardel, Marc Tarabella, Elena Valenciano, Julie Ward, Flavio Zanonato, Damiano Zoffoli**  
on behalf of the S&D Group



**B8-0764/2016**

**European Parliament resolution on Cambodia  
(2016/2753(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Cambodia, notably that of 26 November 2015 and of the 16 January 2014
  - having regard to the EU local statement of 30 May 2016 on the political situation on Cambodia
  - having regard to the press release of the European Parliament of 14 April 2016 on the European Parliament Delegation's visit to the Kingdom of Cambodia on the 30 March - 2 April 2016
  - having regard to the News Release issued of 12 May 2016 by UN Special Rapporteurs urging Cambodia to stop attacks against civil society and human rights defenders
  - having regard to the end of mission statement by the UN Special Rapporteur of 31 March 2016 on the situation of human rights in Cambodia, Professor Rhona Smith
  - having regard to the statement of 1 April 2016 by the UN Special Rapporteur urging Cambodia to strengthen protection of women and indigenous peoples' rights
  - having regard to the joint statement by civil society organisations of 2 May 2016 condemning the charging of human rights defenders
  - having regard to Article 35 of the Cambodian Constitution, which guarantees the right to freedom of association and the freedom to participate actively in the political, economic, social and cultural life of the nation,
  - having regard to the Universal Declaration of Human Rights
  - having regard to the UN Declaration on Human Rights Defenders
  - having regard to the International Covenant on Civil and Political Rights
  - having regard to Rules 135 of its Rules of Procedure
- A. whereas Prime Minister Hun Sen has been in power for over 30 years; whereas Sam Rainsy, the President of the leading opposition party CNRP remains in self-imposed exile driven by previous prosecutions on trumped-up politically-motivated charges, and acting CNRP president, Kem Sokha, is under investigation; whereas on 22 April 2016, a Phnom Penh Court prosecutor announced that CNRP President Sam Rainsy, will face trial in absentia on further politically-motivated charges starting on 28 July 2016;

- B. whereas National Assembly member of the opposition, Um Sam An, has been stripped of his parliamentary immunity, and has been arrested on 11 April 2016, on trumped-up accusations of "incitement to cause chaos in society";
- C. whereas communal elections will take place in 2017 and legislative elections in 2018; whereas in the run up to the elections, there is an escalating crackdown on human rights and political opposition activists and defenders;
- D. whereas on 2 May 2016 politically motivated charges have been brought against 6 human rights defenders from the Cambodian NGO, ADHOC, the country's National Election Committee (NEC) and the Cambodia Office of the United Nation's Office of the High Commissioner for Human Rights (COHCHR) who have been accused of bribery related offences in relation to investigations on an opposition parliamentarian; whereas 5 of the human right defenders have been in police custody since 28 April 2016; whereas the charges were initiated by the government's anti-terrorism department and pursued by the anti-corruption unit (ACU) tasked with tackling endemic corruption prevalent in Cambodia; whereas if convicted, the human rights defenders could face 5-10 years of imprisonment;
- E. whereas the diplomatic immunity from legal action for the conduct of his duties, of UN staffer, Soen Sally, has been disregarded;
- F. whereas 8 human rights activists were detained after participating in the peaceful 'Black Monday' protests calling for the freedom of the human rights defenders; whereas on 7 May 2016, the government announced that planned non-violent protests against the detention of ADHOC staffers and other cases of politically-motivated detention would be considered "rebellion" in the form of a "colour revolution" and suppressed as such; whereas the International Covenant on Civil and Political Rights and Articles 35 and 41 of the Cambodian Constitution, guarantee the rights to freedom of expression, association, assembly and the freedom to participate actively in the political, economic, social and cultural life of the nation,
- G. whereas on 25 April 2016 CPP has filed a complaint for criminal defamation against Ou Virak, a prominent independent commentator, and demanded exorbitant damages aimed at deterring him and others from exercising their right of freedom of opinion and expression in connection with non-violent opinions he expressed about the CPP's political strategy;
- H. whereas on 26 April 2016, the Phnom Penh court indicted Rong Chhun, a former trade union leader who is currently a member of the Cambodia National Election Committee (NEC), for trial on trumped-up politically-motivated charges of incitement of violence provoked by government security force suppression of worker strikes in late December 2013-early January 2014,
- I. whereas on 2 April 2016, the National Assembly adopted a Trade Union Law imposing new restrictions on workers' right to association and granting arbitrary new powers to government authorities to repress trade union exercise of that right; whereas on 2 April 2016, government security forces violently broke up a peaceful demonstration by worker

and union activists against the passage of the Trade Union Law

- J. whereas there is a reported prevalence of violence against women
- K. whereas land grabbing and forced evictions continue to reportedly remain a pressing human rights issues
- L. whereas the EU is Cambodia's main export market and the largest donor of grant development aid with more than Eur 400 million earmarked for the Kingdom from 2014-2020; whereas the EU is providing Eur 10 million to support electoral reform in Cambodia for 2016-2020;
1. Expresses deep concern about the further worsening climate for activists and human rights defenders, opposition politicians and activists, as well as the shrinking space for civil society and political pluralism in Cambodia, particularly in the run up to the elections; Urges the Cambodian authorities to resume as soon as possible a peaceful and constructive dialogue with the opposition, in order to secure democratic political pluralism and legitimate elections; Reiterates its call on the National Assembly to reinstate Sam Rainsy and to restore his parliamentary immunity; Urges the Cambodian authorities to drop all politically motivated charges against Sam Rainsy and Kem Sokha;
  2. Deplores the escalation of politically motivated charges and judicial harassment of human rights defenders and activists; in particular the politically motivated charges, sentences and convictions against the legitimate work of activists, political critics and human rights defenders in Cambodia; calls for the immediate release of the five human rights defenders still in preventative custody, namely Ny Sokha, Nay Vanda, Yi Soksan, Lim Mony and Ny Chakra;
  3. Deplores the use of state institutions, particularly the anti- terrorism department and ACU, or the criminal justice system as tools to intimidate, criminalise and punish the legitimate activities of human rights defenders and civil societies; call for an immediate halt to judicial harassment of representatives of civil society organisations; Reiterates its call on the relevant governmental authorities to drop the prosecution of human rights defenders under other laws in force, and to end political use of the courts to prosecute people on politically-motivated and trumped up charges, as well as to unconditionally release all those jailed on such charges;
  4. Encourages the government to work towards strengthening democracy and the rule of law and to respect human rights and fundamental freedoms, which includes fully complying with the constitutional provisions concerning pluralism and freedom of association and expression; Urges the national authorities to strengthen the independence of the judiciary and to ensure access to, and fair and judicial processes for all;
  5. Expresses its concern on the new Trade Union Law; urges the government to repeal or amend all such laws, particularly LANGO and the new Trade Union Law, restricting fundamental freedoms and threatening the exercise of human rights, and to ensure all legislation relevant to human rights is in compliance with the Constitution of Cambodia

and international standards;

6. Highlights the useful role played by civil society in contributing to Cambodia's overall development; reiterates its call to the Government of Cambodia to recognise the legitimate and useful role played by civil society; Recalls 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;
7. Is Gravely concerned about the prevalence of violence against women; Urges the authorities to revise the current law on prevention of domestic violence and victims' protection to ensure that the response to domestic violence in Cambodia conforms to international standards; to protect victims of violence against women, promoting and ensuring respect for their human dignity and rights, as well as to ensure their unobstructed access to the judicial system;
8. Urges the Cambodian Government to cease all forced evictions and land grabbing; and to ensure that evictions are conducted only in accordance with international standards; Recalls on international companies not to benefit directly from these forced evictions without fair compensation;
9. Highlights the real risk of increased violence as the election date draws closer; Reminds the elected leaders of their responsibility to act in the interest of those whom they represent; And for the NEC to work independently; Calls on the authorities of Cambodia to ensure that all laws are applied equally and fairly to all political parties and their members and to ensure democratic space in the run up to elections; furthermore calls on Cambodian authorities to drop all charges against former trade union leader and member of the Cambodia National Election Committee (NEC) Rong Chhun;
10. Strongly supports an EU Election Observation Mission and therefore urges the EU to strongly support and welcome any invitation by the authorities of Cambodia to send such an Election Observation Mission in the interest of all parties concerned; Calls on the NEC and the relevant government authorities to ensure that all eligible voters including migrant workers and detainees have accessible and time registration opportunities;
11. Calls on the Member states, the High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service and the Commission, to immediately raise the above concerns and recommendations with the Cambodian Authorities; Calls on the EEAS to ensure that EU funding aid is based on respect and improvements on the fundamental rights and freedoms situation in the country;
12. Instructs its President to forward this resolution to the Vice-President of the Commission, High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission the Secretariat of the Association of Southeast Asian Nations, the UN Human Rights Council, and the Government and National Assembly of the Kingdom of Cambodia.