



Plenary sitting

B8-0686/2017

12.12.2017

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: the banning of the opposition
(2017/3002(RSP))

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on behalf of the ECR Group

European Parliament resolution on Cambodia: the banning of the opposition (2017/3002(RSP))

The European Parliament,

- having regard to its previous resolutions, notably those of 14 September 2017 on Cambodia, notably the case of Kem Sokha, of 9 June 2016 on Cambodia, of 26 November 2015 on the political situation in Cambodia, of 9 July 2015 on Cambodia's draft laws on NGOs and trade unions and of 16 January 2014 on the situation of rights defenders and opposition activists in Cambodia and Laos,

- having regard to the statement by the EEAS Spokesperson on restrictions of political space in Cambodia of 25 August and 3 September 2017 and on the dissolution of Cambodian National Rescue Party of 16 November 2017,

- having regard to the local EU Statements on the political situation in Cambodia of 22 February 2017, on the release of five human rights defenders of 1 July 2017, on the closure of Cambodia Daily of 5 September 2017 and on recent political developments in Cambodia of 9 October 2017,

- having regard to recent statements by the UN Special Rapporteur on the situation of human rights in Cambodia and by the UN High Commissioner for Human Rights,

- 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 10 December 1948,

- having regard to the International Covenant on Civil and Political Rights of 1966,

- having regard to the Cambodian Constitution, in particular Article 41 thereof, which enshrines the rights and freedoms of expression and assembly, Article 35 thereof on the right to political participation, and Article 80 thereof on parliamentary immunity,

– having regard to Rule 135 of its Rules of Procedure,

A. whereas in 2017 the human rights situation in Cambodia has further deteriorated, with an increasing number of arrests of political opposition members, human rights activists and civil society representatives being carried out in Cambodia;

B. whereas the Cambodian parliament passed two sets of repressive amendments to the Law on Political Parties in 2017 which contain numerous restrictions tailored to create obstacles for opposition parties;

C. whereas Article 38 of the Law on Political Parties provides the Minister of Interior with the authority to “file a complaint to the Supreme Court to dissolve that political party in case of

committing a serious offence”;

D. whereas local elections in Cambodia took place in 2017, resulting in significant gains for the leading opposition party, the Cambodia National Rescue Party (CNRP);

E. whereas on 3 September 2017, Kem Sokha, leader of the CNRP, was arrested on dubious charges of treason, and is still jailed; whereas he had been subject to de facto house arrest at CNRP headquarters in Phnom Penh for six months in 2016 in a separate politically motivated case;

F. whereas on 2 October 2017 the Ministry of Interior dissolved 20 political parties pursuant to Articles 19 and 20 of the Law on Political Parties;

G. whereas on 6 October 2017 the Cambodian government filed a politically motivated legal case to dissolve the CNRP, asserting that it was involved in a United States-backed plot to overthrow the Cambodian People’s Party (CPP) and its leader, Prime Minister Hun Sen;

H. whereas on 16 November 2017 the Supreme Court in Phnom Penh dissolved the CNRP according to Article 38 of the Law on Political Parties and imposed political bans of five years on 118 of its members;

I. whereas Cambodia’s Prime Minister Hun Sen maintained that his country is governed by a multi-party democracy and said elections scheduled for next year would go on as planned; whereas there will be no significant opposition party to challenge the CPP in the 2018 national elections;

J. whereas three opposition members of Cambodia’s National Election Committee (NEC) resigned from their posts on 20 November 2017;

K. whereas Sam Rainsy, the former president of the CNRP, remains in a self-imposed exile driven by previous prosecutions on trumped-up politically motivated charges;

L. whereas two other opposition legislators are also behind bars and at least eight more have pending criminal charges against them; whereas 11 opposition party members and supporters are currently serving prison terms ranging from seven and 20 years on trumped-up charges for leading or participating in an insurrection in connection with a July 2014 demonstration;

M. whereas reportedly opposition commune councillors in parts of the country are facing increasing pressure from local authorities to defect to the ruling CPP, including through 24-hour surveillance and restrictions on their freedom of movement;

N. whereas Cambodia’s human rights situation has rapidly deteriorated during the past year as recent months, the Cambodian government has engaged in an intensified crackdown against the political opposition, the independent media, and human rights groups;

O. whereas the right of political participation is enshrined in Article 41 of the Cambodian Constitution;

P. whereas respect for the democratic principles and fundamental human rights constitutes an

essential element of the Cooperation Agreement between the European Community and the Kingdom of Cambodia;

Q. whereas Cambodia benefits from the most favourable regime available under the EU's Generalised Scheme of Preferences (GSP), the Everything But Arms (EBA) scheme;

1. Expresses its deep concern at the recent developments in Cambodia which culminated into the dissolving of Cambodia's leading opposition party CNRP and the imposing of political bans on many of its members;
2. Considers that the Supreme Court in Phnom Penh is unacceptably interfering with the rights of Cambodian people to freely choose their political representatives and vote for them in the 2018 national elections; regrets the absence of an independent and impartial judiciary in the country;
3. Urges the Cambodian government reconsider the dissolution of the CNRP and to remove existing obstacles for opposition parties and to resume as soon as possible constructive dialogue with the opposition, as this is a prerequisite for the legitimacy of the forthcoming elections; reminds that an electoral process from which the main opposition party has been arbitrarily excluded is illegitimate;
4. Calls on the Cambodian government to end its politically motivated prosecution of the opposition party leader Kem Sokha and other political prisoners and to release them unconditionally; calls on the authorities to ensure fair trial rights and procedural safeguards as set out in the ICCPR to all arrested individuals;
5. Stresses that a credible democratic process leading up to the general elections in 2018 requires an environment in which political parties, civil society and the media are able to carry out their legitimate roles without fear and without being subjected to threats or arbitrary restrictions;
6. 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;
7. Is worried about the overall deterioration of the environment for human rights defenders and civil society in Cambodia and calls on the government to end its escalating campaign of politically-motivated harassment, intimidation, and legal action against the media, nongovernmental groups, and human rights defenders;
8. Reminds the Cambodian Government that it has to fulfil its obligations and commitments regarding the democratic principles and fundamental human rights which are an essential element of the Cooperation Agreement; stresses that respect of fundamental human rights is a prerequisite for Cambodia to continue to benefit from the EU's preferential Everything But Arms scheme;
9. Calls on the EU Institutions and the Member States to set out clear benchmarks for the forthcoming elections in Cambodia, consistent with international law on freedom of expression, association and assembly, and to publicly communicate these benchmarks to Cambodian authorities and the opposition;

10. Instructs its President to forward this resolution to the Commission, the Council, the European External Action Service, the Member States, the Government and National Assembly of the Kingdom of Cambodia and the governments of the ASEAN countries.