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*Plenary sitting*

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**B9-0226/2022**

3.5.2022

## **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 144 of the Rules of Procedure

on the continuous crackdown of political opposition in Cambodia  
(2022/2658(RSP))

**Marisa Matias**

on behalf of The Left Group

**B9-0226/2022**

**European Parliament resolution on The continuous crackdown of political opposition in Cambodia  
(2022/2658(RSP))**

*The European Parliament,*

- 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 Declaration on the Rights of Indigenous Peoples of 2007,
- having regard to the International Covenant on Civil and Political Rights of 1966,
- 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 Convention on the Elimination of All Forms of Discrimination against Women (1979),
- having regard to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (1987),
- having regard to the International Labour Organization (ILO) Convention on Indigenous and Tribal Peoples (No. 169), on Freedom of Association and Trade Union Rights (No. 87), the Right to Organise and Collective Bargaining (No. 98), and the Worst Forms of Child Labour (No. 182),
- having regard to the UN Human Rights Committee Concluding observations on the third periodic report of Cambodia, 30 March 2022,
- having regard to the Constitution of Cambodia,
- 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 Rule 144 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; whereas several countries, institutions and national and international organizations have questioned the credibility of the last elections (2018) due to the absence of the main opposition party Cambodia National Rescue Party (CNRP), and the increased restrictions on freedom of speech as well as the rights to association and assembly in the run-up to the elections;

B. 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; whereas in November 2017, the Supreme Court of the Kingdom of Cambodia ordered the dissolution of the Cambodia National Rescue Party (CNRP) amid allegations that it was part of a “coloured revolution” allegedly financed by the United States of America to overthrow the regime; whereas there is a continuing prosecution against Kem Sokha, the co-leader of the CNRP, who was arrested in 2017 for “treason and espionage”; whereas these charges stem from a public intervention filmed in Australia in which Kem Sokha explained that the United States regularly advised him, which constitutes a flagrant crime under Cambodian law;

C. whereas threats, arbitrary arrests, mass trials, revocation of passports, and acts of torture and violence against members of opposition leaders, human rights defenders, journalists, trade unionists and land rights activists continue to take place in Cambodia; whereas the misuse of the Law on the Measures to Prevent the Spread of Covid-19 and other Serious, Dangerous and Contagious Diseases, which allows for up to 20-year-prison sentences, has further restricted civic space; whereas there are also numerous and serious allegations of extrajudicial killings, which are seldom impartially investigated, including the killings of Kem Ley and Sin Khon, in 2016 and in 2021 respectively, both affiliated with the CNRP;

D. whereas in the past two years, authorities have pursued politically motivated prosecutions against more than 150 human rights defenders and opposition political party members; whereas there are currently over 60 human rights defenders in prison, including trade union leaders and environmental activists; whereas 20 members of CNRP were convicted in March 2022, seven of them in absentia, after a process that compromised their right to a fair trial;

E. whereas Cambodia continues to face a high number of allegations regarding the lack of independence and impartiality within the judiciary system; whereas some judges are openly members of the ruling party, which seriously undermines their independence;

F. whereas according to the press freedom index 2021 of Reporters Without Borders, Cambodia is ranked 144 out of 180 countries; whereas there have been reports of closure of national and international media outlets as well as of blockage of websites; whereas harassment and legal actions are used against journalists, environmental activists and human rights defenders in Cambodia, notably against those informing about Covid-19 and land conflicts; whereas some criminal offenses contained in the Penal Code and in the Law on Telecommunications, as well as the Sub-Decree on National International Gateway, are often used to disproportionately restrict freedom of expression;

G. whereas there are concerning reports of arbitrary denial of permission to hold peaceful assemblies and arrests of organisers based on vague legal provisions contained in the Law on

Associations and Non-Governmental Organisations (LANGO); whereas the recent amendments to the Trade Union Law and the draft Law on Public Order could further restrict the right to peaceful assembly; whereas excessive and disproportionate force is used to disperse peaceful demonstrations, leading to widespread arrests and detention of protesters, including human rights defenders, environmental activists, opposition leaders and trade unionists;

H. whereas in 2019, Cambodia ranked 117 out of 162 countries in the Gender Equality Index of UNDP, concerning education, health, political participation and command over economic resources; whereas over 30% of women have experienced intimate partner violence in their lifetime; whereas women continue to be victims of acid attacks, even if this practice is now illegal in Cambodia; whereas the discussions and adoption of amendments to the 2005 Law on Preventing Domestic Violence and the Protection of Victims, which contains several gaps, are being delayed; whereas despite significant efforts of the Government against it, human trafficking for sexual and labour exploitation remains a serious problem in Cambodia; whereas sex tourism, including child sex tourism, continues to create a demand for human trafficking and sexual slavery;

I. whereas the 1997 Labour Law does not include the principle of equal pay for work of equal value, and does not protect domestic workers, who are mainly women; whereas almost one million people, more than 90% of whom are women, work in Cambodia's textile industry, and the situation of workers in the sector is particularly precarious; whereas many factories are subcontracted by large brands that disregard the conditions of the women who make their garments; whereas many of these factories also exploit children; whereas working conditions in the industry have worsened since the outbreak of Covid-19, due to factory closures, layoffs and unpaid absence, affecting approximately 900,000 garment sector workers;

J. whereas land conflicts remain a major concern in Cambodia, as land concessions have been a source of land grabs, forced evictions, and natural resource exploitation; whereas at least 2 million hectares have been transferred to private companies, mainly through the “Economic Land Concessions Plan” (ELC), and thousands of persons have been displaced from their land; whereas these include half of the 190,000 minority indigenous people, whose rights to occupy their territory and to free, prior and informed consent in decision making-processes are not systematically respected; whereas in 2014, Global Diligence filed a complaint to the International Criminal Court (ICC), arguing that crimes associated with mass land grabbing can amount to crimes against humanity under the Rome Statute; whereas in order to start addressing these violations, the Cambodian authorities set themselves the objective of issuing 7 million land titles by 2023, and by 2021, they had already issued 6.3 million of them;

K. whereas the European Commission has temporarily and partially (by 20%) withdrawn Cambodia's preferential access to the EU market under the trade scheme of the Generalised System of Preferences “Everything But Arms” (EBA); whereas despite this partial withdrawal, the exacerbation of inequalities as well as of labour and human rights violations in Cambodia continues, including land rights violations and child labour exploitation;

L. 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. Condemns all acts of torture and violence, accusations for political reasons, arbitrary arrests, mass trials, revocation of passports, harassment and convictions against the political opposition and the social movement; calls on the Cambodian authorities to urgently take the necessary steps to comply with its human rights obligations, including the International Covenant on Civil and Political Rights and the rights enshrined in Cambodia's Constitution;
2. Urges the Cambodian authorities to ensure in law and in practice, particularly by the 2022 commune elections and the 2023 national elections, a safe civil and political environment, the full enjoyment of electoral rights by everyone, and that all political parties can conduct an equal, free and transparent electoral campaign; in this regard, reiterates its call on Cambodian authorities to repeal or substantially amend the Law on Political Parties in full compliance with international human rights;
3. 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, as well as prisoners detained for conducting their legitimate work or exercising their rights, including journalists, human rights defenders environmental activists and trade unionists; calls on the Cambodian authorities to conduct independent investigations into all allegations of harassment, intimidation, arbitrary arrest and acts of violence and torture against members of opposition parties and civil society actors, and to bring perpetrators to justice;
4. Denounces the increasing tendency worldwide to misuse the legal and judicial systems to prosecute and silence political opponents, trade unionists and environmental and human right activists, which is known as lawfare;
5. Calls on Cambodian authorities to make every effort to guarantee the independence of the judiciary, in particular with regard to prosecutors and judges, and to respect transparent and fair trials, the right to be presumed innocence until proven guilty and the right to a due process;
6. Urges the Cambodian authorities to ensure that all allegations of extrajudicial killings are promptly and impartially investigated, including the cases of Sin Khon and Kem Ley, and that perpetrators are prosecuted; calls on the Cambodian authorities to take all the necessary measures to prevent such killings;
7. Urges the Cambodian authorities to ensure that everyone can freely exercise the right to freedom of expression, and to bring relevant provisions of the Penal Code, the Law on Telecommunication and the Sub-Degree on the National Internet Gateway operator in line with the Articles 17 and 19 of the Covenant on Civil and Political Rights, notably by avoiding the use of vague terminology and overly broad restrictions;
8. Calls on the Cambodian authorities to ensure that individuals can exercise their right to peaceful assembly; urges the Cambodian authorities to bring the Trade Union Law and the Law on Associations and Non-Governmental Organisations (LANGO) in line with Article 21 of the Covenant on Civil and Political Rights; welcomes the release of the leaders of the Labour Rights Supported Union of Khmer Employees of NagaWorld and of Mother Nature Cambodia activists; urges the Cambodian authorities to drop all charges against them;

9. Encourages the Cambodian authorities to speed up the establishment of a national human rights institution by introducing a new draft law in 2021; urges the Cambodian authorities to further advance this process, in accordance to the Paris Principles; urges the Cambodian authorities to carry out an open and transparent consultation process on the draft law ensuring the participation of civil society organisations;

10. Urges the Cambodian authorities to intensify its efforts to achieve gender equality; encourages in that view all efforts such as the Third National Action Plan on the Prevention of Violence against Women for the period 2019 - 2023; in this regard, calls on the Cambodian authorities to amend without delay the Law on Prevention of Domestic Violence and the Protection of Victims (2005) to comprehensively define and criminalize domestic violence, and to bring it in line with Convention on the Elimination of All Forms of Discrimination against Women; urges the Cambodian authorities to ensure that cases are investigated, perpetrators prosecuted, and victims have access to effective remedies, assistance and reparation; calls on the Cambodian authorities to continue its efforts in combating human trafficking, and effectively enforcing the Law on Suppression of human Trafficking and Sexual Exploitation;

11. Welcomes the progress made by the Cambodian authorities in issuing land titles; calls on the Cambodian authorities to prevent land grabs, take the protection of the environment into account when managing its territory, and ensure that individuals and indigenous peoples are not forcibly evicted, nor relocated without legal safeguards; calls on the Cambodian authorities to develop and adopt a legal framework to recognise and protect the rights of indigenous peoples, notably their right to free, prior and informed consent when granting development projects that may affect their lands;

12. Recalls the obligation of Cambodia to respect international human rights and, in particular, ILO Conventions; expresses particular concern about the situation of women working in the textile industry; in view of its persisting violations of human and labour rights, calls on the European Commission to consider further withdrawing Cambodia's preferential access to the EU market;

13. Reiterates that European companies operating in third countries must exercise due diligence to prevent, cease, redress and be liable for human rights violations and environmental harm occurring in their supply chains, including forced and child labour, land grabbing, and corruption; calls on the Commission and Member States to take the requisite action against companies operating in the EU which do not comply with those standards or which do not adequately compensate victims of human rights violations for which they cause, contribute or are directly linked to; calls for the need to shift the current logics of international trade to one that serves the objective of achieving mutual advantageous cooperation agreements that do not compromise labour, social and human rights, the environment, nor the right of sovereign development of the countries;

14. 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 governments and parliaments of the Member States, as well as the Government and the National Assembly of the Kingdom of Cambodia.

