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))

Pedro Marques, Andrea Cozzolino, Evin Incir
on behalf of the S&D Group
B9-0231/2022

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

The European Parliament,

– having regard to its previous resolutions on Cambodia of 11 March 2021, 14 September 2017, 14 December 2017 and 13 September 2018,

– having regard to the Council conclusions on Cambodia of 26 February 2018,

– having regard to the 1991 Paris Peace Accords, in which a commitment to uphold human rights and fundamental freedoms in Cambodia, including on the part of international signatories, is enshrined in Article 15,

– having regard to the Commission’s decision of 12 February 2020 to withdraw part of the tariff preferences granted to Cambodia under the European Union’s Everything But Arms (EBA) trade scheme as of 12 August 2020,

– having regard to the EU Intervention: Interactive Dialogue with the Special Rapporteur on Cambodia 6 October 2021 and 29 March 2022

– having regard to the Report of the Special Rapporteur on the situation of human rights in Cambodia of 3 August 2021;

– having regard to the UN Human Rights Committee concluding observation on the Third periodic report on Cambodia of 30 March 2022;

– having regard to the International Labour Organization Convention on Freedom of Association and Protection of the Right to Organise,

– having regard to the Cooperation Agreement between the European Community and the Kingdom of Cambodia of 29 April 1997,

– having regard of the Cambodian Criminal Code,

Text adopted P9_TA(2021)0087


A/HRC/48/79
CCPR/C/KHM/CO/3
having regard to the EU Guidelines on Human Rights Defenders of 2008,

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 Rules 144(5) and 132(4) of its Rules of Procedure,

A. whereas Cambodia is holding communal elections in June 2022 and the next general elections are expected to take place in July 2023; whereas in the run up to the next elections, the Government has continued its crackdown against members of the political opposition; whereas many leaders and senior members of the dissolved opposition Cambodia National Rescue Party (CNRP) have been banned from the country or forced to remain abroad out of fear of being arrested;

B. whereas PM Hun Sen has been almost uninterruptedly in power for 37 years and ruling Cambodian People’s Party (CPP) holds absolute power over the state and legislative bodies; whereas the commander of the armed forces is the son of the Prime Minister; whereas the CPP has used this power to accelerate its repression of political freedoms and civic space;

C. whereas the head of the opposition Cambodia National Rescue Party (CNRP), Kem Sokha, was arrested in September 2017 and continues to face trumped-up treason charges; whereas before the last general election in 2018 the new opposition leader Sam Rainsy was arrested on bogus charges and the CNRP disbanded by order of the Supreme Court, allowing the ruling Cambodian People’s Party (CPP) to win unopposed all the 125 parliamentary seats;

D. whereas after issuing court summons in November 2020, the authorities started mass trials in 2021 against more than 100 opposition members and human rights defenders for exercising their rights to freedom of expression and peaceful assembly;

E. whereas in March 2021 a number of CNRP leaders, including Sam Rainsy and Mu Sochua, were sentenced to up to 25 years in prison for allegedly attempting to stage a coup by announcing their plans to return to Cambodia in November 2019;

F. whereas Sam Rainsy and other opposition politicians were tried in absentia, as they were not allowed to return to Cambodia to defend themselves in court;

G. whereas in March 2022 19 opposition members were convicted on charges of “incitement” and “conspiracy” and sentenced to up to 10 years in prison after a trial that rights groups have condemned as unfair;

H. whereas on 21 November 2021 CNRP affiliate Sin Khon was killed near his home in Phnom Penh, after receiving anonymous threatening phone calls and previous attacks;

I. whereas in November 2021, Veourn Veasna, Voeung Samnang and Lanh Thavry, all three CNRP supporters and UNHCR-recognized refugees, were forcibly returned to Cambodia from Thailand and detained on charges of incitement and Covid-19 law violations;
J. Whereas in the last months opposition candidates were arrested, barred from running or coerced into withdrawing their candidacy to avoid spurious prosecution on charges such as plotting, a felony which carries a potential 10-year prison sentence; whereas the government has previously used similar allegations to dismiss opposition parties and candidates, including the 2021 refusal to register the Cambodia National Heart Party (CNHP), whose organiser is now the subject of an investigation by the Ministry of Interior;

K. whereas in August 2021, the authorities convicted trade union leader Rong Chhun of incitement, following his public comments on communities’ land loss because of the demarcation of the Cambodia-Vietnam border; whereas more than twenty activists, artists, and human rights defenders, including former political opposition members Sar Kanika and Ton Nimol, were subsequently arrested for peacefully protesting for Chhun’s release; whereas sentences against Rong Chhun, Sar Kanika and Tom Nimol ranged from 20 months to two years in prison and a large fine of 400 million riel (nearly 95,000 euros),

L. whereas in August 2021, a Phnom Penh court convicted nine activists and former opposition members of incitement and sentenced them to between 12 and 20 months in prison for peacefully protesting near the Chinese Embassy in Phnom Penh as part of a 2020 campaign to commemorate the Paris Peace Accords anniversary;

M. Whereas between May and July 2021, nine Mother Nature Cambodia (MNC) activists were convicted for incitement and conspiracy for publicly raising concerns over the filling-in of a lake in Phnom Penh and its expected negative environmental impacts;

N. Whereas women strikers have been repeatedly and disproportionately targeted by government efforts to disperse the peaceful strikes; whereas eleven Labor Rights Supported Union of Khmer Employees of NagaWorld (LRSU) members and leaders, including seven women, have been arrested since December 2021 and many more have been forcibly dragged onto buses and taken to Covid-19 quarantine centres in retaliation for their peaceful and legitimate exercise of freedom of assembly and freedom of association; whereas UN experts stated that these violent arrests may amount to a breach of human rights law⁹;

O. whereas the Cambodian Government made use of a worsening Covid-19 pandemic to expand authoritarian control by further restricting civil and political rights, without independent oversight or procedural safeguards; whereas in March 2021 the Government adopted a new broad Law on Measures to Prevent the Spread of Covid-19 and other Serious, Dangerous and Contagious Diseases, allowing for up to 20-year-prison sentences for violations of Covid-19 measures and other disproportionate penalties;

P. whereas as of today there are more than 60 political prisoners behind bars; whereas since 2015, the number of inmates in Cambodian prisons has more than doubled and according to government figures, 38,977 people are currently held in Cambodian prisons with an official capacity of 8,804; whereas this dramatic overcrowding amounts to a serious violation of the rights of prisoners who often have no access to clean water and medical

care; whereas the Government also failed to take sufficient steps to prevent major Covid-19 outbreaks among the prison population;

Q. whereas the Cambodian Government made use of a worsening Covid-19 pandemic to expand authoritarian control by further restricting civil and political rights, without independent oversight or procedural safeguards; whereas in March 2021 the Government adopted a new broad Law on Measures to Prevent the Spread of Covid-19 and other Serious, Dangerous and Contagious Diseases, allowing for up to 20-year-prison sentences for violations of Covid-19 measures and other disproportionate penalties;

R. whereas the government adopted a repressive Sub-Decree on the Establishment of the National Internet Gateway, coming into effect in February 2022, that tightens control of the internet and expands online surveillance of internet users critical of the government, while infringing privacy rights; whereas Cambodia has no data protection law or safeguards to ensure official requests for data are necessary and proportionate.

S. whereas independent journalists and media outlets, as well as critical social media users, face continued government intimidation and attacks; where in 2021 only, 32 journalists were arrested, 93 were harassed, and 18 experienced violence or assault;

T. whereas other draconian laws are still awaiting finalization of drafting or adoption, such as a cybercrime bill, which poses further threats to online speech, and a draft public order law that seeks to control people’s daily lives by prohibiting a vast array of public and private actions;

U. whereas legislation on public order especially targets low-income people who work or live on the street, de facto criminalizing them for being poor, without introducing measures to alleviate poverty and further exposing them to police’s legitimized brutality or extortive corruption;

V. whereas Cambodia is a state party to the International Covenant on Civil and Political Rights, which guarantees the right to freedom of association under Article 22 and the right to participate in public affairs under Article 25;

W. whereas Cambodia is holding the ASEAN rotating chair for 2022 and its authorities are representing the ASEAN at the international level and with the European Union;

Z. whereas on 12 February 2020, the Commission decided to withdraw part of the tariff preferences granted to Cambodia under the European Union’s Everything But Arms (EBA) trade scheme owing to the serious and systematic violations of the human rights principles enshrined in the International Covenant on Civil and Political Rights;

I. Calls on the Government of Cambodia to immediately put an end to all forms of intimidation and harassment, including judicial harassment, of the opposition, trade unionists, human rights defenders, the media and civil society actors; calls on the security

10 https://www.camboja.net/annual-report-2021/
forces to refrain from unnecessary and excessive force against those engaged in peaceful protests;

2. Reiterates its call on the Cambodian authorities to release and drop all charges against all for all detained or convicted human rights defenders and political opponents in order to initiate a peaceful and democratic process of national reconciliation through genuine and inclusive participation of all parties and civil society;

3. Calls on the Cambodian authorities to safeguard the full independence and impartiality of the judicial system, take effective legal and other measures to address the dramatic overcrowding of prisons, ensure that pre-trial detention is only used as an exceptional measure for a limited period of time and that all legal safeguards are guaranteed in practice to all persons deprived of their liberty from the very outset of their detention, including by formally adopting the draft Legal Aid Policy so as to ensure that legal assistance is available to all individuals charged with a crime;

4. Condemns the escalating violations of human rights in Cambodia and the violence against opponents and peaceful protesters, in particular in the killing of Sin Khon; calls on the authorities to effectively investigate all cases of violence, arbitrary arrest and detention of peaceful protesters and bring those responsible to justice;

5. Calls on Cambodia to strengthen the judicial and electoral mechanisms to ensure a fair electoral process in the coming elections and guarantee the full and meaningful enjoyment of electoral rights by everyone, including opposition political candidates, and that all political parties can conduct an equal, free and transparent electoral campaign in a pluralistic competition;

6. Calls on the Cambodian Government to repeal all repressive laws, including the recent decrees and draft laws regulating the digital environment and enabling the government to increase online surveillance, censorship and control of the internet, as well as to repeal all recent amendments to the Constitution, the Criminal Code, the Law on Political Parties, the Trade Union Law, the Law on NGOs and all other pieces of legislation limiting freedom of speech and political freedoms, and which are not fully in line with Cambodia’s obligations and international standards;

7. Encourages Cambodia to further advance the creation of a national human rights institution, in accordance with the Paris Principles and in consultation with a wide range of stakeholders, including civil society organisations;

8. Calls on the Cambodian authorities to and drop all charges against the trade union leaders for exercising their rights, including the NagaWorld union leaders, and to respect the rights of all citizens to a fair trial, freedom of expression and freedom of association and peaceful assembly as guaranteed by international human rights norms and standards and Cambodian laws; stresses especially the importance to protect women’s political and labor rights, including their right to strike;

9. Condemns repressive action under the guise of protecting health and recalls that emergency measures in the framework of containing the COVID-19 pandemic should not be used simply to quash dissent;
10. Expresses serious concern about continuous governmental measures and acts of harassment against independent media outlets and journalists that stifle their rights to freedom of expression, including their right to hold opinions and to receive and impart information and ideas without interference by public authority, and expresses alarm at the imprisonment on trumped-up charges of several journalists for independent reporting;

11. Is of the view that, as ASEAN chair, Cambodia should lead by example through abiding respect for justice and the rule of law and adherence to the principles of the United Nations Charter; Stress that the latest developments further undermine the Cambodia’s government credibility in implementing a positive human rights agenda in the region and as ASEAN chair;

12. Calls on the Cambodian Government to take the necessary measures lift the ban on the CNRP and the restrictions on the CNHP and the other opposition parties and candidates;

13. Calls on the Thai authorities to respect the principle of non-refoulement and allow individuals subjected to a deportation order to effectively challenge the decision before an independent and impartial body, and to suspend any deportation decision in the meantime; reminds that deportations in these circumstances, regardless of refugee status, violate the principle of non-refoulement and there are valid concerns that the defendants may not benefit from due process and fair trial guarantees;

14. Welcomes the extension of the mandate of the UN Special Rapporteur on the situation of human rights in Cambodia and asks the UN High Commissioner for Human Rights to monitor and report on the crackdown against political opponents in Cambodia and outline actions the government should take to comply with its international human rights obligations;

15. Urges the Commission to insist on clearly defined human rights benchmarks in all its interactions with the Cambodian Government, and to include the issues of concern highlighted in this resolution as part of its ongoing enhanced engagement with the authorities, including on EBA; calls on the Commission to closely monitor the situation, and to assess the effect of the partial EBA withdrawal on the most vulnerable segments of civil society;

16. Calls on the EEAS and the Member States to monitor the human rights situation in Cambodia, be more vocal and act in full compliance with the EU Action Plan on Human Rights and Democracy and the EU Guidelines on Human Rights Defenders; asks the EU Delegation in Phnom Penh and the embassies of the Member States to monitor trials and conduct prison visits;

17. Reiterates its call to the European Council to adopt a formal position on the human rights situation and deterioration of democracy in Cambodia and to adopt restrictive measures against the political leaders and leaders of the security forces responsible for serious human rights violations, the dissolution and subsequent repression of the opposition in Cambodia, and against their economic interests under the EU global human rights sanctions regime;18. Calls on the Member States to suspend all bilateral financial support to the Cambodian Government and focus bilateral financial support on Cambodian civil society organisations and opposition parties;
19. Reiterates its request to the Commission and the Council to draw up a comprehensive and strategic Democracy Initiative with regard to the countries of the ASEAN region to be presented to the European Parliament within six months;

20. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service, the Secretary-General of the Association of Southeast Asian Nations, the governments and parliaments of the Member States and the Government and National Assembly of Cambodia, the Government of Thailand.