

Situation in Cambodia

European Parliament resolution of 26 October 2012 on the situation in Cambodia (2012/2844(RSP))

The European Parliament,

- having regard to the reports of 16 July and 24 September 2012 by 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 24 September 2012,
- having regard to the Statement by the Spokesperson of the EU High Representative Catherine Ashton 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 the National Assembly Elections of 27 July 2008 in Cambodia,
- having regard to the joint letter of 1 October 2012 from ten NGOs to the EU Trade Commissioner de Gucht,
- having regard to the EU ‘everything but arms’ (EBA) trade scheme, which allows all least developed countries (LDCs), including Cambodia, unhindered access for all its exports, except arms, to the EU,
- having regard to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which Cambodia is a party,
- having regard to the 1998 UN Declaration on Human Rights Defenders,
- having regard to the Cooperation Agreement of 1997 between the European Community and the Kingdom of Cambodia¹, in particular Article 1 (respect for human rights), Article 19 (non-execution of the agreement) and Annex 1 regarding Article 19 (suspension of the agreement if one party violates Article 1),
- having regard to the United Nations Declaration on the Rights of Indigenous Peoples adopted by the UN General Assembly during its 62nd session on 13 September 2007,
- having regard to its previous resolutions on Cambodia, especially the one of 21 October 2010²,
- having regard to Rules 122(5) and 110(4) of its Rules of Procedure,

¹ OJ L 269, 19.10.1999, p. 18.

² OJ C 70 E, 8.3.2012, p. 90.

- A. whereas the latest report by the UN Special Rapporteur on the situation of human rights in Cambodia recognises that 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 four human rights defenders accused of anti-state crime – Mom Sonando, Head of the Association of Democrats of Cambodia and Director of 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;
- C. whereas the security forces continue to use excessive force against protestors; whereas on 26 April 2012 Chut Wutty, a leading environmental campaigner who investigated illegal logging, was shot dead by the police; whereas on 22 May 2012 thirteen women activists from Boeung Kak area were arbitrarily arrested and sentenced to lengthy prison terms for holding a peaceful protest at the development site affecting their community; whereas they have been released upon international pressure though their convictions have been upheld; whereas on 16 May 2012 a 14-year old girl, Heng Chantha, was shot dead by the security forces and no investigation into her death is taking place;
- D. whereas due to the Government's Economic Land Concession (ELC) policy, over the past decade at least 400 000 people have been displaced and dispossessed of their land, homes and livelihoods by the authorities and by businesses, leading to violent clashes with communities and having aggravating effects on poverty;
- E. whereas as of August 2012 the Cambodian Government has granted at least 2 157 744 hectares of economic land concessions to over 200 companies, often in violation of the provisions of the 2001 Land Law and bypassing legal safeguards such as the obligations to prevent concessions in protected areas, undertake social impact assessment and obtain the free, prior and informed consent of indigenous communities;
- F. whereas the Prime Minister, Hun Sen, issued in May 2012 a directive establishing a moratorium on new economic land concessions and stipulating a review of the existing concessions; whereas despite the directive at least 12 new concessions were granted, since a loophole in the directive allows conclusion of new land concessions already in an advanced stage of negotiations or agreed to in principle; whereas there has been no real review of existing land concessions and none of the problematic ones have been cancelled;
- G. 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;
- H. whereas following Cambodia's last national elections, the EU Election Observation Mission in Cambodia concluded that the elections did not meet international standards for democratic elections and called on the Cambodian Government to undertake a number of fundamental electoral reforms;
- I. whereas the EU is Cambodia's single largest donor;
- 1. Condemns all politically motivated sentences and convictions against political critics, parliamentary opposition politicians, notably Sam Rainsy, human rights defenders and land

activists, and deplores the deaths of Chut Wutty and Heng Chantha, both killed while exercising their right to peaceful protest;

2. Calls for an immediate and unconditional release of Mom Sonando and other government critics and land rights activists who are being held for political reasons only;
3. Stresses that all those responsible for human rights violations should be identified and held accountable for their actions;
4. 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;
5. Urges the Cambodian Government to cease all forced evictions, review the May 2012 directive and introduce and enforce a moratorium on evictions in Cambodia until a transparent and accountable legal framework and relevant policies are in place to ensure that future economic land concessions are granted in accordance with international human rights law and to ensure that all those forcibly evicted are guaranteed adequate compensation and suitable alternative accommodation;
6. Calls on the Commission to investigate the escalation of human rights abuses in Cambodia as a result of economic land concessions being granted for agro-industrial development linked to the export of agricultural goods to the European Union, and to temporarily suspend EBA preferences on agricultural products from Cambodia in cases where human rights abuses are identified; notes the decision of the Prime Minister of Cambodia to halt new economic land concessions and his pledge to review existing concessions;
7. Urges the Cambodian Government, the National Election Committee and the provincial election committee to implement the recent UN recommendations on reforming the electoral system to ensure it conforms with international standards before, during and after the casting of votes; calls on the Commission closely to monitor the implementation of the UN recommendations by the Cambodian authorities;
8. Is concerned about the situation of Sam Rainsy, the leader of the Sam Rainsy Party, who has been convicted on charges that are allegedly politically motivated; urges the Cambodian Government and opposition parties to work towards reconciliation in order to enable the opposition to play a full role in Cambodian politics and in the forthcoming elections, in order to provide credibility to the electoral process;
9. Encourages the Cambodian Government to strengthen democracy, the rule of law, respect for human rights and fundamental freedoms – in particular media freedom and freedom of expression and assembly – as these values constitute an essential element of the EU-Cambodia Cooperation Agreement, as defined in Article 1 of that Agreement;
10. Instructs its President to forward this resolution to the Government and National Assembly of the Kingdom of Cambodia, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the governments and parliaments of the EU Member States, the governments of the ASEAN Member States, the UN Secretary-General and the UN High Commissioner for Human Rights.