



TEXTS ADOPTED

P8_TA(2016)0274

Cambodia

European Parliament resolution of 9 June 2016 on Cambodia (2016/2753(RSP))

The European Parliament,

- having regard to its previous resolutions on Cambodia, notably those of 26 November 2015 on the political situation in Cambodia¹, of 9 July 2015 on Cambodia's draft laws on NGOs and trade unions² and of 16 January 2014 on the situation of rights defenders and opposition activists in Cambodia and Laos³,
- having regard to the local EU statement of 30 May 2016 on the political situation in Cambodia,
- having regard to the report of the UN Special Rapporteur on the situation of human rights in Cambodia of 20 August 2015,
- having regard to the UN Human Rights Council resolution of 2 October 2015 on Cambodia,
- having regard to the UN Human Rights Committee's concluding observations of 27 April 2015 on the second periodic report 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 2008 EU Guidelines on Human Rights Defenders,
- having regard to the 1997 Cooperation Agreement between the European Community and the Kingdom of Cambodia,
- having regard to the resolution adopted by the UN General Assembly on 8 March 1999 on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms,

¹ Texts adopted, P8_TA(2015)0413.

² Texts adopted, P8_TA(2015)0277.

³ Texts adopted, P7_TA(2014)0044.

- 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 the International Labour Organisation Convention on Freedom of Association and Protection of the Right to Organise,
 - having regard to the Cambodian Constitution, in particular Article 41 thereof, in which the rights and freedoms of expression and assembly are enshrined, Article 35 on the right to political participation and Article 80 on parliamentary immunity,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas in the last few months there has been a steady increase in the number arrests of members of the political opposition, human rights activists and representatives of civil society;
 - B. whereas Prime Minister Hun Sen has been in power for over 30 years; whereas Sam Rainsy, the president of the leading opposition party, the CNRP, remains in self-imposed exile driven by previous prosecutions on trumped-up politically motivated charges, and whereas acting CNRP president, Kem Sokha, is under investigation; whereas on 22 April 2016 a Phnom Penh court prosecutor announced that CNRP president Sam Rainsy would face trial in absentia on further politically motivated charges, starting on 28 July 2016;
 - C. whereas on 20 November 2015 Sam Rainsy was summoned by a court to appear for questioning in relation to a post published on his public Facebook page by an opposition senator, Hong Sok Hour, who has been under arrest since August 2015 on charges of forgery and incitement after posting a video on Sam Rainsy’s Facebook page containing an allegedly false document relating to the 1979 border treaty with Vietnam;
 - D. whereas on 3 May 2016 the Phnom Penh Municipal Court summoned Kem Sokha regarding a charge of criminal defamation, along with MPs Pin Ratana and Tok Vanchan, notwithstanding the fact that they enjoy immunity;
 - E. whereas on 12 May 2016 the well-known political analyst Ou Virak was also summoned on charges of defamation after expressing his opinion about the Kem Sokha case;
 - F. whereas on 2 May 2016 politically motivated charges were brought against Ny Sokha, Nay Vanda and Yi Soksan (three senior human rights advocates from the Cambodian Human Rights and Development Association (ADHOC)), former ADHOC staffer Ny Chakrya, who is deputy secretary-general of the country’s National Election Committee (NEC), and UN Office of the High Commissioner for Human Rights (UN OHCHR) staffer Soen Sally, and whereas they could receive sentences of up to 10 years’ imprisonment;
 - G. whereas National Assembly opposition member Um Sam An was stripped of his parliamentary immunity and arrested on 11 April 2016 on trumped-up accusations of ‘incitement to cause chaos in society’ in connection with his non-violent views on

Cambodia-Vietnam relations; whereas he was subsequently held by the Counter-Terrorism police, indicted for trial and remanded in detention on these charges;

- 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 NEC, for trial on trumped-up politically motivated charges of incitement to violence provoked by the government security force's suppression of strikes by workers in late December 2013 and early January 2014; whereas two important elections are due to be held (communal elections in 2017 and parliamentary elections in 2018), and whereas applying pressure on the NEC is a method used by the government to influence these elections;
- I. whereas on 9 May 2016 eight people protesting peacefully against the arrests of the ADHOC staff members, including Ee Sarom, director of the NGO Sahmakun Teang Tnaut, Thav Khimsan, deputy director of the NGO LICADHO, and a Swedish and German advisor to LICADHO, were arrested and set free shortly afterwards; whereas on 16 May 2016 the same happened to five peaceful demonstrators;
- J. whereas the EU is Cambodia's largest partner in terms of development assistance, with a new allocation for the 2014-2020 period of EUR 410 million; whereas the EU supports a wide range of human rights initiatives carried out by Cambodian NGOs and other civil society organisations; whereas Cambodia is highly dependent on development assistance;
- K. whereas on 26 October 2015 a group of pro-government protesters in Phnom Penh brutally assaulted two MPs from the opposition CNRP, Nhay Chamrouen and Kong Sakphea, and threatened the safety of the private residence of the National Assembly's First Vice-President; whereas reports suggested that police and other state security forces looked on while the attacks took place; whereas arrests have been made concerning these attacks, but whereas human rights NGOs in Cambodia have expressed their concerns that the actual assailants are still free;
- L. whereas, despite widespread criticism from civil society and the international community, the promulgation of the Law on Associations and NGOs (LANGO) has given state authorities arbitrary powers to shut down and block the creation of organisations defending human rights, and has already begun to deter human rights defence work in Cambodia and to impede civil society action;
- M. whereas, since the approval of the Law on Associations and NGOs (LANGO) in 2015, the authorities have refused permission for large-scale public advocacy events led by NGOs, and whereas in recent months events held in conjunction with World Habitat Day, International Human Rights Day, International Women's Day and International Labour Day have all been disrupted to varying extents by police forces, as have other demonstrations;
- N. whereas the Cambodian Senate adopted the Law on Trade Unions on 12 April 2016, imposing new restrictions on workers' right to association and granting arbitrary new powers to government authorities to repress the exercise of that right by trade unions;
- 1. Expresses its deep concerns about the worsening climate for opposition politicians and human rights activists in Cambodia, and condemns all acts of violence, politically motivated charges, arbitrary detention, questioning, sentences and convictions in respect of these individuals;

2. Deplores the escalation of politically motivated charges and judicial harassment of human rights defenders and activists, and in particular the politically motivated charges, sentences and convictions relating to the legitimate work of activists, political critics and human rights defenders in Cambodia;
3. Urges the Cambodian authorities to revoke the arrest warrant for, and drop all charges against, opposition leader Sam Rainsy and CNRP members of the National Assembly and Senate, including Senator Hong Sok Hour; calls for the immediate release of the five human rights defenders still in preventive custody, namely Ny Sokha, Nay Vanda, Yi Soksan, Lim Mony and Ny Chakra, for these politicians, activists and human rights defenders to be allowed to work freely without fear of arrest or persecution, and for an end to political use of the courts to prosecute people on politically motivated and trumped-up charges; calls on the National Assembly to reinstate Sam Rainsy, Um Sam An and Hong Sok Hour immediately and to restore their parliamentary immunity;
4. Urges the Cambodian authorities to drop all politically motivated charges and other criminal proceedings against ADHOC and other Cambodian human rights defenders, to cease all threats to apply repressive LANGO provisions, together with all other attempts to intimidate and harass human rights defenders and national and international organisations, and to release immediately and unconditionally all those jailed on politically motivated and trumped-up charges;
5. Urges the Government of Cambodia to recognise the legitimate and useful role played by civil society, trade unions and the political opposition in contributing to Cambodia's overall economic and political development;
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. Recalls that a non-threatening environment of democratic dialogue is essential for political stability, democracy and a peaceful society in the country, and urges the government to take all necessary measures to ensure the security of all democratically elected representatives of Cambodia, irrespective of their political affiliation;
8. Welcomes the reform of the NEC through an amendment to the Constitution following the July 2014 agreement between the Cambodian People's Party) CPP and the CNRP on electoral reforms; highlights the fact that the NEC now consists of four CPP representatives, four CNRP representatives and one representative of civil society;
9. Calls on the government to ensure full and impartial investigations with the participation of the UN, leading to the prosecution of all those responsible for the recent brutal attack on the two CNRP members of the National Assembly by members of the armed forces and for military and police use of excessive force to suppress demonstrations, strikes and social unrest;
10. Calls on the Cambodian authorities to drop all charges against former trade union leader and NEC member Rong Chhun;

11. Calls on the Member States, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service (EEAS) and the Commission 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 the Cambodian authorities and the opposition; calls on the EEAS to make the amount of EU financial assistance dependent on improvements in the human rights situation in the country;
12. Expresses its concerns regarding the new Trade Union Law; urges the government to repeal the Trade Union Law, the LANGO and similar laws which are restricting fundamental freedoms and threatening the exercise of human rights; urges the government to ensure that all legislation relevant to human rights is in compliance with the Constitution of Cambodia and international standards;
13. Urges the Cambodian Government to cease all forced evictions and land grabbing and to ensure that any evictions are conducted in full accordance with international standards;
14. Highlights the importance of an EU Election Observation Mission and its contribution to fair and free elections; calls on the NEC and the relevant government authorities to ensure that all eligible voters, including migrant workers and detainees, have access to, and time to take advantage of, registration opportunities;
15. 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 governments and parliaments of the Member States and the Government and National Assembly of Cambodia.