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*Plenary sitting*

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**B8-0242/2019**

16.4.2019

## **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 Brunei  
(2019/2692(RSP))

**Barbara Lochbihler, Yannick Jadot, Ernest Urtasun, Terry Reintke, Heidi Hautala, Jean Lambert, Florent Marcellesi, Molly Scott Cato, Bart Staes, Keith Taylor, Jordi Solé, Bodil Valero**  
on behalf of the Verts/ALE Group

**B8-0242/2019**

**European Parliament resolution on Brunei  
(2019/2692(RSP))**

*The European Parliament,*

- having regard to the Statement by the HRVP Spokesperson on the implementation of the Penal Code Order in Brunei-Darussalam of 3 April 2019;
- having regard to the EU Guidelines on the Death Penalty; on Torture and other cruel, inhuman or degrading treatment or punishment; on Human Rights Defenders and on the promotion and protection of the enjoyment of all human rights by LGBTBI persons;
- having regard to the ASEAN-EU Plan of Action 2018-2022;
- having regard to the Statement of the UN High Commissioner for Human Rights Michelle Bachelet of 1 April 2019, urging Brunei to stop entry into force of “draconian” new penal code;
- having regard to the Report of the Office of the United Nations High Commissioner for Human Rights of 11 March 2019;
- . having regard to the CEDAW Concluding Observations on the combined initial and second periodic reports of Brunei Darussalam of November 2014;
- having regard to the Universal Declaration of Human Rights;
- having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Brunei signed in 2015;
- having regard to the ASEAN Human Rights Declaration of 2012;
- having regard to Rule 135 of its Rules of Procedure,

A. whereas Brunei is one of the few absolute monarchies remaining in the world, together with the Vatican City, Saudi Arabia, Oman, United Arab Emirates and Eswatini; whereas the Brunei political and social system remains profoundly undemocratic, with the last elections held in 1962; whereas the Sultan is both the Head of State and the Prime Minister, with full executive authority;

B. whereas in 2014 Brunei introduced the Sharia Penal Code, which was to be implemented in three phases; whereas the third phase of its implementation puts into effect provisions which include whipping and death by stoning for consensual same-sex acts, extramarital sex

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and abortion, as well as amputation of limbs for stealing; whereas those provisions of the Penal Code entered into force on 3 April 2019;

C. whereas the Sharia Penal Code prescribes capital punishment, hand-cutting and whipping of children for several crimes; whereas children as young as seven years old can hold criminal responsibility;

D. whereas the provisions in the Penal Code will disproportionately impact women, since women are at higher risk of being convicted for adultery and extramarital relations owing to discriminatory investigative policies and provisions on the weighing of evidence; whereas UNAIDS and UNFPA have warned the new penal code will create barriers to accessing health information and services;

E. whereas criminalisation of same-sex activities increases the stigma of the LGTBI persons and contributes to their discrimination, violence and harassment; whereas 70 UN Member States criminalise consensual same-sex sexual relations, seven of them providing the death penalty for such behaviour;

F. whereas Brunei has a de facto moratorium on the use of death penalty, with the last execution carried out in 1957;

G. whereas there is a glaring disconnect between the implementation of the reforms and the lavish lifestyle that the Sultan and his family have been enjoying in the last years, many of them allegedly incurring in adultery and misappropriation of public funds from Brunei when they were holding public positions, which under the new Penal Code provisions would be punished with death by stoning and amputation of limbs;

H. whereas tradition, religion and culture are used to justify discrimination against women and LGTBI; whereas there are deep-rooted patriarchal attitudes and use of discriminatory stereotypes which are reflected in women's academic and professional choices, their unequal position in the labour market and in marriage and family relations; whereas these stereotypes are root causes of violence against women; whereas Brunei lacks a legal framework on violence against women and does not consider marital rape a crime;

I. whereas the Sultan of Brunei is one of the wealthiest men in the world; whereas the Brunei Investment Agency, an arm of the Sultan of Brunei, owns nine of the world's most exclusive hotels, including in London, Paris, Rome and Milan; whereas the entering into force of the anti-LGTBI provisions spurred an international campaign to boycott the Brunei-owned hotels; whereas the state-owned Royal Brunei Airlines has also been object of an international boycott campaign; whereas one of the core values of the Brunei Investment Agency is to "respect each other, acknowledge and recognize contributions and value differences and diversity";

J. whereas Brunei Shell Petroleum, a joint-venture company of the Bruneian Government and Royal Dutch Shell, is the main oil and gas production company in Brunei; whereas Royal Dutch Shell is, according to Shell's Sustainability Report, committed to respecting human

rights as set out in the Universal Declaration of Human Rights and the International Labour Organization core conventions; whereas the Brunei Government, partner of Royal Dutch Shell, is openly violating the human rights of Brunei's citizens with the implementation of the Penal Code;

K. whereas Brunei has only ratified two UN core international human rights conventions, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women;

L. whereas Brunei is part of the ASEAN Intergovernmental Commission on Human Rights;

M. whereas the third cycle of the Universal Periodic Review of Brunei will take place the 10 May 2019;

N. whereas the EU is currently negotiating a Partnership and Cooperation Agreement with Brunei;

1. Strongly condemns the entry into force of the retrograde Sharia Penal Code, urges the Bruneian authorities to immediately revoke its implementation and to amend its provisions in accordance with international human rights standards;

2. Stresses that any religion-based legislation must strictly comply with human rights, including with regard to sexual minorities, religious minorities and non-believers; highlights the right to express critical or satirical opinions on political leadership, religions and religious authorities as a legitimate expression of freedom of thought or artistic creation, enshrined in the international human rights framework;

3. Calls on the Bruneian authorities to uphold universal human rights standards and promote equality and non-discrimination, including for LGBTI persons; encourages the Brunei authorities to foster political dialogue with key stakeholders in civil society in order to foster and safeguard the universal application of human rights;

4. Welcomes and supports the international campaign to boycott Bruneian state-owned business; calls on companies which are benefiting from business deals with Bruneian state-owned business, particularly in the field of hydrocarbons, to publically denounce the implementation of the Sharia Penal Code; calls on Royal Dutch Shell to review its participation in the joint-venture company Brunei Shell Petroleum;

5. Urges Brunei to ratify the remaining UN core international human rights instruments, including the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; calls on Brunei authorities to extend a standing invitation to the visit of all Special Procedures of the UN Human Rights Council;

6. Calls on Brunei to continue their moratorium on the use of the death penalty as a step

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towards abolition;

7. Asks Bruneian authorities to clarify the scope of application of the Sharia Penal Code, particularly with regard to its application to the Bruneian Royal Family, since it is unclear if the principle of equality before the law will be respected;

8. In the event of effective implementation of the Penal Code, expects the EEAS to propose the adoption of EU restricted measures related to serious human rights violations, including asset freeze and visa bans;

9. Calls on the HRVP Mogherini to immediately suspend the negotiations of the EU-Brunei Partnership and Cooperation Agreement until the Sharia Penal Code is revised according to international human rights law;

10. Calls on the EU Delegation in Jakarta to launch a call of proposals in support of civil society organisations and human rights defenders in Brunei; calls on the EEAS and the EU delegation in Jakarta, in line with the LGTBI guidelines, to prioritise the support of LGTBI rights defenders in areas where their action is most at risk;

11. Encourages the EU and its Member States to actively participate in the forthcoming Universal Periodic review, taking place from 6 to 17 May 2019, which will review Brunei-Darussalam's human rights record;

12. Deplores the lack of monitoring of the human rights situation in Brunei due to the limited transparency allowed by the political leadership of the country;

13. Urges the EU institutions to ensure that no EU officials stay or EU-funded events take place in the Brunei-owned properties;

14. Calls on the Commission to present a legislative proposal to establish European Humanitarian Visas that, among others, would grant LGTBI persons access to asylum procedures and humanitarian protection in the EU;

15. Calls on the EEAS to include LGTBI rights as an item on the agenda of the next ASEAN-EU Policy Dialogue on Human Rights;

16. While welcoming the global attention to the implementation of the anti-LGTBI provisions of the Bruneian Penal Code, recalls that other 70 UN Member States criminalise consensual same-sex relations, seven of them providing the death penalty for such behaviour; asks the authorities of Saudi Arabia, Yemen, Iran, Sudan, Somalia and Nigeria to review their legal frameworks with the view to ending criminalisation of consensual same-sex relations;

17. Instructs its President to forward this resolution to the Council, the Commission, the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission, the European External Action Service, the UN Secretary General, the UN High Commissioner for Human Rights, the Commission on the Status of Women, the

Human Rights Council, the ASEAN Secretariat, the ASEAN Intergovernmental Commission on Human Rights, the Sultan of Brunei Hassanal Bolkiah and the Government of Brunei;

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