



Plenary sitting

B8-0244/2019

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))

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on behalf of the GUE/NGL Group

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

The European Parliament,

- having regard to the Universal Declaration of Human Rights of 10 December 1948, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the UN Convention on the Rights of the Child,

- having regard to the Yogyakarta Principles ('Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics') adopted in November 2006, and the 10 complementary principles ('plus 10') adopted on 10 November 2017,

- having regard to the guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons adopted by the Council of the European Union at its meeting of 24 June 2013,

- having regard to its resolution of 8 October 2015 on the death penalty (2015/2879(RSP))

- having regards to the press statement of UNAIDS and the United Nations Population Fund which urge the Government of Brunei Darussalam to repeal new discriminatory and harmful criminal law provisions of the 4th of April 2019,

- having regards to the statement of UN High Commissioner for Human Rights Michelle Bachelet on Monday 1th of April 2019 which "*urges Brunei to stop entry into force of "draconian" new penal code*",

- having regard to Rule 135 of its Rules of Procedure,

A. Whereas in 2014, Brunei adopted a reform of its criminal code based on Sharia law ; whereas the first phase of the criminal reform was implemented in 2014, and the implementation of the second and third phase were halted following international outrage and condemnations ;

B. whereas on 3 April 2019, the last phases of the criminal reform came into effect, whereas these provisions - which impose the death penalty for offences such as rape, adultery, sodomy, extramarital sexual relations for Muslims, robbery, and insult or defamation of the Prophet Mohammad, among others - breach a number of international human rights norms, including the right to be free from torture and from cruel, inhumane or degrading treatment; whereas same-sex relationships between women will be condemn by jail up to 10 years, whipping up to 40 strokes and fines up to 40,000\$, or any combination of two of these; whereas it introduces public flogging as a punishment for abortion, and amputation for theft; whereas it also criminalises exposing Muslim children to the beliefs and practices of any religion other than Islam.

C. whereas Brunei is party to UN human rights conventions, and therefore has a duty to protect and safeguard the right to life, to dignity and integrity, to protection against discrimination, to protection against harmful, degrading treatment and torture, for everyone on its soil, including women, people of all faiths, non-believers, children and LGBTI people ;

- D. whereas the criminalisation of homosexuality, is incompatible with international human rights standards ;
- E. whereas death penalty is condemned internationally as a human rights violation; whereas Brunei currently retains the death penalty in law but the country has been abolitionist in practice, with the last execution carried out in 1957;
- F. Whereas criminalization of same-sex sexual conduct has been shown to increase stigma and give license to discrimination, violence and harassment, whereas evidence shows that where communities are criminalized, they are more vulnerable to violence, less likely to access necessary HIV and other health services; whereas criminalizing people works against reaching the Sustainable Development Goals agreed by the United Nations General Assembly;
- G. Whereas Brunei still one of the only absolute monarchies in the world; whereas the Sultan is the head of state and head of government in Brunei; whereas he exercises absolute powers and full executive authority under the framework of the 1959 Constitution; whereas the Sultan of Brunei, Hassanal Bolkiah, is one of the world's longest-reigning and few remaining monarchs; whereas he was crowned in August 1968 following the abdication of his father, Sir Haji Omar Ali Saifuddin;
- H. Whereas Brunei possesses big oil and gas reserves; whereas the king of Brunei is one of the world's richest individuals; whereas he maintains his country in a totally archaic and reactionary feudal system;
1. Is extremely worried about the political situation in Brunei and condemns vigorously the instrumentalization of religion by the authorities to undermine the most basic rights of the population;
 2. calls on Brunei to repeal its criminal law, and to protect the universal right to life and protection against torture and harmful and degrading treatment; recalls that the punishments foreseen in the criminal code amount to torture, acts of cruel, inhuman or degrading treatment which are prohibited by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
 3. Highlights the fact that according to the Universal Declaration of Human Rights “all human beings are born free and equal in dignity and rights”, which is totally incompatible with an archaic regime such as the one of “absolute monarchy”;
 4. Reminds Brunei of its international human rights commitments, such as protection of the right to life, right to dignity and integrity, to protection against discrimination, to protection against harmful, degrading treatment and torture, which are universal, inalienable and indivisible, and apply to all including women, people of all faiths, non-believers, children and LGBTI people ;
 5. Supports the statement made by Natalia Kanem, Executive Director of UNFPA according to which *“Every person, without any distinction on any grounds, has an equal right to live free from violence, persecution, discrimination and stigma of any kind. Human rights are universal. Cultural, religious and moral practices and beliefs, and social attitudes must not be invoked to justify human rights violations against any group regardless of gender or sexual orientation,”*
 6. Supports the calls of the United Nations High Commissioner for Human Rights and the open letter of the five United Nations human rights mandate holders to suspend the implementation of the

revised penal code and urge all governments to protect the human rights of all people; highlights that this includes repealing criminal laws against adult consensual sexual conduct and decisions on reproduction, implementing laws to protect all people from violence and discrimination and ensuring that adequate health services, including sexual and reproductive health services, are accessible, affordable and acceptable to address their needs;

7. Highlights the fact that access to health including sexual and reproductive rights and safe abortion is an inalienable right;
8. Calls on Brunei to foster political dialogue with key stakeholders in civil society, human rights organisations, faith-based and secular institutions, and social organisations, both inside and outside Brunei, in order to foster and safeguard human rights on its territory ;
9. Rejects any religious interference in the functioning of government and of any public interference in religious affairs except for the purpose of upholding rules of safety and public order (including respect for the freedom of others), and that it guarantees equal liberty of conscience for all, be they believers, agnostics or atheists;
10. Calls on the EU and its Members states, in line with the LGBTI Guidelines, to foster and support safe spaces for civil society organisations, LGBTI human rights defenders, women's rights defenders and children's rights defenders, to carry out their human rights work in Brunei ;
11. Calls on the EU and its Members states to put pressure on the Brunei authorities, and to suspend the visa-free regime for the representatives of the authorities of Brunei until the right to life and protection against torture and degrading and inhuman treatments are legally safeguarded for all people on Brunei's territory, including women, people of all faiths, non-believers, children and LGBTI people ; urges EU and its Members states to ensure access to asylum for the victims of this law; calls on the Commission, EEAS and the Council to invite Brunei ambassadors and representatives for consultations in this regard ;
12. Supports the international mobilisation against the authorities of Brunei, urges the Members States to take measures notably supporting the boycott of some luxury hotels in the world owned by the Brunei Investment Agency (the sovereign wealth fund of the country) or to ban flights from their territory to and from Brunei until the right to life and protection against torture and degrading and inhuman treatments are fully protected in Brunei ;
13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative for Foreign Affairs and Security Policy, the parliaments and governments of the Member States, the government of Brunei, the United Nations High Commissioner for Human Rights and the governments of the ASEAN Member States.