



Plenary sitting

B8-1422/2015

15.12.2015

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 Malaysia
(2015/3018(RSP))

Pier Antonio Panzeri, Neena Gill, Elena Valenciano, Victor Boștinaru, Knut Fleckenstein, Josef Weidenholzer, Eric Andrieu, Nikos Androulakis, Zigmantas Balčytis, Hugues Bayet, Brando Benifei, José Blanco López, Vilija Blinkevičiūtė, Simona Bonafè, Nicola Caputo, Nessa Childers, Andrea Cozzolino, Andi Cristea, Miriam Dalli, Viorica Dăncilă, Isabella De Monte, Monika Flašíková Beňová, Doru-Claudian Frunzulică, Eider Gardiazabal Rubial, Enrico Gasbarra, Lidia Joanna Geringer de Oedenberg, Theresa Griffin, Sylvie Guillaume, Sergio Gutiérrez Prieto, Cătălin Sorin Ivan, Liisa Jaakonsaari, Afzal Khan, Javi López, Juan Fernando López Aguilar, Andrejs Mamikins, Louis-Joseph Manscour, Costas Mavrides, Marlene Mizzi, Sorin Moisă, Csaba Molnár, Alessia Maria Mosca, Victor Negrescu, Momchil Nekov, Norbert Neuser, Demetris Papadakis, Gilles Pargneaux, Emilian Pavel, Vincent Peillon, Tonino Picula, Miroslav Poche, Liliana Rodrigues, Inmaculada Rodríguez-Piñero Fernández, Daciana Octavia Sârbu, Siôn Simon, Renato Soru, Tibor Szanyi, Claudia Tapardel, Marita Ulvskog, Julie Ward, Biljana Borzan
on behalf of the S&D Group

B8-1422/2015

**European Parliament resolution on Malaysia
(2015/3018(RSP))**

The European Parliament,

- having to its previous resolutions on Malaysia,
- having regard to its previous resolution of 15 January 2014 on the future of EU-ASEAN relations,
- having regard to the Statement by the EEAS Spokesperson of April 2015 on the recently adopted amendment to the Sedition Act in Malaysia,
- having regard to the Statement by the EEAS Spokesperson of March 2015 on the arrest of Nurul Izzah, opposition Member of Parliament in Malaysia,
- having regard to the Statement by the EEAS Spokesperson of February 2015 on the conviction of Malaysian opposition politician Anwar Ibrahim
- having regard to the EU Strategic framework on human rights,
- having regard to the Statement by the UN High Commissioner for Human Rights of 9 April 2015 on draft anti-terror and sedition laws,
- having regard to UN Second Universal Periodic Review session of October 2013,
- having regard to the report of the Special Rapporteur on trafficking in persons of June 2015,
- having regard to the second Universal Periodic Review of Malaysia before the UN Human Rights Council, and its recommendations, of October 2013,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the United Nations Declaration on Human Rights Defenders of 1998,
- having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966,
- having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984,
- having regard to the Association of Southeast Asian Nations Human Rights Declaration,
- having regard to Rule 123(2) and (4) of its Rules of Procedure,

- A. whereas the space for public debate and free speech in Malaysia is rapidly narrowing as the government resorts to vaguely worded criminal laws to silence its critics and quell public discontent and peaceful expression, including debates on matters of public interest;
 - B. whereas these laws include the Sedition Act, the Printing Presses and Publications Act, the Communications and Multimedia Act and the Peaceful Assembly act, amongst others;
 - C. whereas under the only Sedition Act, around 100 people opposing or criticising the current government have been arrested or charged since the beginning of 2015;
 - D. whereas former opposition Leader Anwar Ibrahim was sentenced on charges of sodomy in February 2015, following a politically motivated prosecution that resulted in criminal proceedings that failed to meet international standards of fair trial; whereas he has been denied appropriate medical care;
 - E. whereas Malaysian cartoonist Zulkiflee Anwar Ulhaque is facing charges under the Sedition Act following critical tweets against the government with regards to the sentencing of Anwar Ibrahim; whereas blogger Khalid Ismath and academic Azmi Sharom face similar charges;
 - F. whereas media outlets and publishing houses have faced restrictions under the Printing Presses and Publications Act following reporting about corruption allegations against the Prime Minister and lawyer Matthias Chang and politician Khairuddin Abu Hassan were arrested following their investigations on these allegations;
 - G. whereas the High Representative has raised concerns regarding the abusive use of criminal laws during her visit to Malaysia on 5-6 August 2015;
 - H. whereas the Malaysian police forces have increasingly resorted to acts of torture, late night arrests, unjustifiable remands and selective prosecution;
 - I. Whereas LGBTI people in Malaysia are criminalized under the country's anti-sodomy law and regional laws prohibiting cross-dressing, and face political hate speech, arbitrary arrest, physical and sexual assault, imprisonment, and other abuses;
 - J. whereas Malaysia is a Member of the UN Security Council and is the current Chair of the ASEAN;
1. Denounces the deteriorating human rights situation in Malaysia and in particular the crack down on civil society activists, academics, media and political activists; expresses particular concern with regards to the spike in the number of people facing charges or arrest under the Sedition Act witnessed in 2015;
 2. Urges the Malaysian government to immediately release individuals convicted for political reasons and to provide them with appropriate medical care, including former opposition leader Anwar Ibrahim and political dissidents Khairuddin Abu Hassan and Matthias Chang, and to drop politically motivated charges, including those against cartoonist Zulkiflee Anwar Haque (Zunar), blogger Khalid Ismath, and academic Azmi Sharom;

3. Urges the Malaysian authorities to repeal the Sedition Act and to bring all legislation, including the Prevention of Terrorism Act, Printing Presses Publications Act, the Communications and Multimedia Act, the Peaceful Assembly Act as well as other relevant provisions of the penal code in line with international standards on freedom of expression and assembly and the protection of human rights;
4. Urges for the withdrawal of the National Security Council Bill which was recently passed in the Dewan Rakyat (Lower House), in particular with regard to the extensive powers it bestows upon the Prime Minister and security forces in the field of security; calls on the government to maintain a proper balance between the need to safeguard national security on the one hand, and the imperative to protect civil and political rights, on the other;
5. Insists that any replacement of these bills should be drafted in consultation with Suruhanjaya Hak Asasi Manusia (SUHAKAM) (Human Rights Commission of Malaysia), members of Parliament and civil society groups, narrowly define national security, and include provisions to prevent abuse;
6. Is deeply concerned about ongoing cases of abuse by the police, particularly the series of deaths that took place in custody in Penang in early 2015; urges for the establishment of the Independent Police Complaints and Misconduct Commission (IPCMC) as recommended by the Police Commission of Inquiry in 2005 to investigate allegations of torture and deaths in police custody; encourages further reform in order to bring all police conduct in line with international best practices; calls on the EU and its member states to consider offering training in this regard;
7. Calls on Malaysian authorities to refrain from intervening in investigations conducted by the Malaysian Anti-Corruption Commission, including into corruption allegations made against Prime Minister Najib Razak; urges the Malaysian government to refrain from putting pressure on media outlets, publishing houses and journalists through harassment or litigation to discourage reporting about corruption charges;
8. Deeply deplores the rise of supremacist groups registered as NGOs which contribute to the creation of ethnic tensions;
9. Calls on the Malaysian government to ratify key international human rights conventions, including the ICCPR, the ICESCR, the CAT, the CERD, ILO Convention 169, the ICC Rome Statute, as well as the 1951 Convention Relating to the Status of Refugee and its optional protocol;
10. Asks the Malaysian government to extend a standing invitation to all the UN Special Procedures, thereby enabling special rapporteurs to visit Malaysia without asking for an invitation, notably the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression David Kaye and Special Rapporteur on the Rights of Freedom of Peaceful Assembly and of Association Maina Kiai
11. Calls on the EU and its member states to coordinate, in line with the EU Strategic framework on Human Rights, policies towards Malaysia in order to encourage reform on the above issues of concern through all possible means, including in the context of the UN where Malaysia is a non-permanent member of the Security Council during the period 2015-2016 ;

12. Urges the EU Delegation to Malaysia to step up efforts to finance projects on freedom of expression and reforming repressive laws and to use all appropriate tools, include the European Instrument for the Defence of Human Rights, to protect Human Rights Defenders including social partners, who are working to uphold economic, social and cultural rights, with a particular focus on human rights defenders working on labour rights, land-related human rights issues, and indigenous peoples, in the context of inter alia 'landgrabbing' and climate change;
13. Calls on the Commission to make sure human rights concerns are duly taken into account during future negotiations on an EU-Malaysia FTA;
14. Calls on the EEAS, in line with the EU guidelines on the protection and promotion of the rights of LGBTI persons, to step up its work on the rights of LGBTI people in Malaysia, who face violence and persecution, and particularly aim towards decriminalization of homosexuality and transgenderism;
15. 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 parliament and government of Malaysia, the United Nations High Commissioner for Human Rights and the governments of the ASEAN Member States;