



Plenary sitting

B8-1412/2015

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 the situation in Malaysia
(2015/3018(RSP))

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on behalf of the EFDD Group

B8-1412/2015

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

The European Parliament,

- having regard to its resolution of 15 January 2014 on the future of EU-ASEAN relations,
- having regard to the EU-ASEAN policy dialogue on human rights (19/23 October 2015),
- having regard to the statement of 10 February 2015 by the EEAS Spokesperson on the conviction of Malaysian opposition politician Anwar Ibrahim,
- having regard to the statement of 17 March 2015 by the EEAS Spokesperson on the arrest of Nurul Izzah, opposition Member of Parliament in Malaysia,
- having regard to the statement of 15 April 2015 by the EEAS Spokesperson on the recently adopted amendment to the Sedition Act in Malaysia,
- having regard to the statement of 09 April 2015 by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein on the draft anti-terror and sedition laws in Malaysia,
- having regard to the EU Guidelines on Human Rights Defenders,
- having regard to the EU Human Rights Guidelines on Freedom of Expression,
- 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 Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas proposed amendments to the 1948 Sedition Act seriously undermine the freedom of expression and opinion in the country, in breach of Malaysia's Federal Constitution and its international human rights obligations,

B. whereas since the beginning of 2014, at least 78 people have been investigated or charged under the Sedition Act and in 2015 alone, so far, at least 36 individuals have already been investigated or charged, despite the initial promises of the government to abolish the Sedition Act and the pledge of the leading party to soften the controls and open new spaces for Malaysian democracy,

C. whereas the police have also investigated, and in many cases arrested and held in custody for several days, at least 20 opposition politicians since August 2014, some of them multiple times,

D. whereas the decision by the Federal Court of Malaysia, on February 10, 2015, to uphold Anwar Ibrahim’s sodomy conviction and sentence led to an explosion of public criticism, followed by a concerted crackdown on those who spoke out,

E. whereas officials have denied licenses required under the Printing Presses and Publications Act (PPPA) to news outlets viewed as critical of the government, and government agents have threatened to withdraw printing licenses from presses that publish books and other material that officials dislike; whereas the PPPA was also used to suspend publication of two newspapers for three months for reporting on the allegations of corruption involving the prime minister and the company 1MDB,

F. whereas a number of ordinary citizens were charged with sedition in 2014 for statements made on Facebook or other social media, while many more were subjected to investigations and arrests; whereas the 2015 amendments to the Sedition Act seem specifically designed to give the government more control over social media and the Internet,

G. whereas the Malaysian government, faced with rising public opposition, invoked section 9(5) of the Peaceful Assembly Act (PAA), which makes it a criminal offense to hold a public assembly without giving the government 10 days’ advance notice, to arrest protesters, while also adding charges of “unlawful assembly” under section 143 of the penal code,

H. whereas the use of overly broad laws to crack down on dissent has been accompanied by a disturbing use of aggressive tactics that seem designed to harass and frighten those critical of the government; whereas instead of asking government critics to come to the police station to make a statement, the police arrest them, often at night, and sometimes with threatening and unnecessary displays of force,

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 an active member of the United Nations and, in October 2014, was reelected as a non-permanent member of the UN Security Council after a 15 year hiatus,

1. Urges the Government of Malaysia to drop all prosecutions and close all investigations based on peaceful expression or peaceful assembly; asks in particular to immediately drop all investigations and charges of sedition based on criticism of judicial decisions, the government, government decisions or government bodies in light of the parliament’s decision, in the 2015 amendments to the Sedition Act, to delete such criticism from the scope of that law;

2. Calls on the Government of Malaysia to withdraw the pending National Security Council bill; asks that any replacement bill 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;

3. Calls on the Malaysian Authorities to end the use of criminal laws to stifle discussion of matters of public interest and to develop a clear plan and timetable for the repeal or amendment of Malaysia's criminal laws to conform to international standards for freedom of expression and freedom of assembly, as set forth in the Universal Declaration of Human Rights and elaborated on in the International Covenant on Civil and Political Rights;

4. Urges the Government of Malaysia to immediately move to repeal or revise the Sedition Act, the Printing Presses and Publications Act, the Peaceful Assembly Act, the Communications and Multimedia Act, and various provisions of the Penal Code that criminalize peaceful speech and peaceful assembly;

5. Calls on the Malaysian Authorities to facilitate peaceful assemblies, to guarantee the safety of all the participants and their freedom of expression across the whole country;

6. Calls on the Malaysian Authorities to instruct all police departments to avoid late night or evening arrests of persons charged with crimes, unless necessary to prevent flight or the destruction of evidence;

7. Calls on the Government of Malaysia to extend a standing invitation to all the UN Special Procedures, thereby enabling special rapporteurs to visit Malaysia without asking for an invitation;

8. Encourages the Malaysian Government to open a dialogue with opposition parties and civil society stakeholders instead that beefing up the repression against human rights activists, NGOs and the opposition,

9. Calls on the Government and the judicial authorities to provide transparency and a fair and independent investigation on the 1MDB case;

10. Calls on the Malaysian Authorities to prioritize visits by 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 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;

12. Calls on EU Member States and the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, in line with the EU's Strategic Framework on human rights and Democracy, to immediately raise both publicly and privately, the above concerns and recommendations with Malaysian authorities.

13. Instructs its President to forward this resolution to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the Secretariat of the Association of Southeast Asian Nations, the UN Human Rights Council, and the Government and Parliament of Malaysia.