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*Plenary sitting*

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**B8-1413/2015**

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))

**Charles Tannock, Mark Demesmaecker, Monica Macovei, Raffaele Fitto,  
Anna Elżbieta Fotyga, Ryszard Antoni Legutko, Ryszard Czarnecki,  
Karol Karski, Tomasz Piotr Poręba, Ruža Tomašić**  
on behalf of the ECR Group

**B8-1413/2015**

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

*The European Parliament,*

- having regard to its previous resolutions on the situation in Malaysia, in particular the one of 11 September 2013,
- having regard to the European Parliament resolution on the future of the EU-ASEAN relations of 15 January 2014,
- having regard to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR),
- having regard to the report by the UN Special Rapporteur on Trafficking in Persons of June 2015,
- having regard to the Statement by the EEAS Spokesperson of 15 April 2015 on the amendment adopted to the 1948 Sedition Act in Malaysia,
- having regard to the Statement by the EEAS Spokesperson of 17 March 2015 on the arrest of Nurul Izzah, Malaysian opposition Member of Parliament,
- having regard to the statement by the EEAS Spokesperson of 10 February 2015 on the conviction of Malaysian opposition politician Anwar Ibrahim,
- having regard to the Universal Declaration of Human Rights (UDHR) of 1948,
- having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966,
- having regard to Rule 135 of its Rules of Procedure,

A. Whereas Malaysia has been the Chair of ASEAN for 2015 and the theme of its ASEAN Chairmanship is "Our People, Our Community, Our Vision";

B. Whereas Malaysia is the EU' second most important trading partner in ASEAN and is considered by the international community as a key political and economic partner in the South East Asia;

C. Whereas in October 2010, Malaysian and the EU leaders launched negotiations for the Free Trade Agreement (FTA) and for the Partnership and Cooperation Agreement (PCA);

D. Whereas Article 10 of Malaysia's Constitution guarantees that every citizen has the right to freedom of expression and Article 11 provides every person has the right to profess and practice his own religion; whereas both Articles are regularly abused;

E. Whereas Malaysia seeks to position itself in the UN and the international community as a moderate Muslim state prepared to stand up to Islamist extremism; whereas Malaysia was elected to a seat on the UN Security Council for the 2015 - 2016 term;

F. Whereas Prime Minister Najib Razak pledged to safeguard civil liberties and regard for the fundamental rights of the people while taking the office in April 2009; whereas instead of an open debate the Malaysian society has witnessed detentions and prosecutions of opposition politicians, activists, journalists and regular citizens, suspensions of critical newspapers, blocking websites and declaring peaceful assemblies 'unlawful';

G. Whereas in April 2015 Malaysia strengthened the Sedition Act, instead of repealing it as previously announced, and the broadened scope introduced harsher penalties, such as up to 20 year-long imprisonment for aggravated sedition; whereas the Act is frequently used as a means to suppress political and religious dissent; whereas the UN Human Rights Office has long urged Malaysia to either repeal the 1948 Sedition Act or to bring it in line with international human rights standards;

H. Whereas in early December 2015 Malaysia's Parliament had approved a new National Security Council bill that gives unprecedented powers to a council led by the Prime Minister; whereas the bill gives the National Security Council the power to impose strict policing in the area declared at security risk; whereas the bill is regarded by critics as a step towards dictatorship;

I. Whereas since the beginning of 2014, at least 78 people have been investigated or charged under the Sedition Act, and in 2015 alone, at least 36 people have already been investigated or charged so far; whereas charges were brought against assemblymen, NGO activists, bloggers, academics and many other civil society activists;

J. Whereas among citizens who faced charges is one of Asia's best-known political cartoonists Zulkiflee Anwar Ulhaque who is facing up to 43 years of prison; whereas authorities used various laws to ban and seize his cartoon books, threaten printers with licence loss for publishing his works and harassing his employees;

K. Whereas Anwar Ibrahim, Malaysian opposition leader's five-year jail sentence is considered to be politically motivated as he gained popularity in the last two elections; whereas the government has rejected all the allegations;

L. Whereas the authorities use the Printing Presses and Publications Act, which requires that all publishers obtain a licence; whereas the latter can be suspended and revoked at any time on grounds of security, public order or morality;

M. Whereas freedom of expression and belief in Malaysia is under increasing pressure and different religious groups are deemed 'deviant'; whereas a ban on the use of the word 'Allah' by non-Muslim newspapers and other publications was upheld and non-Muslim religious materials containing that word were confiscated; whereas the Arabic word has been used in Malay-language literature to refer to the concept of God for centuries;

N. Whereas the Malaysian Constitution establishes a dual system of Federal law and Islamic law; whereas such a system frequently creates legal ambiguity and places non-Muslims citizens at a disadvantage in terms of for example family law matters;

O. Whereas Prime Minister Najib Razak is under investigation in a nearly \$700m transfer from a state fund into the Prime Minister's private bank account; whereas the anti-corruption commission is continuing to investigate the sources of this payment, whereas the government was accused of interfering into the independent investigation;

P. Whereas the Prime Minister denied all allegations of corruption; whereas the scandal sparked protests and thousands of anti-government activists went on to the streets of Kuala Lumpur calling on the Prime Minister to step down;

1. Is alarmed by recent legislative developments in Malaysia which can have serious implications for the exercise of freedom of expression and belief and send the signal to the international community that the rule of law declared in the Malaysian Constitution is under threat;

2. Reminds the Malaysian authorities that freedom of expression, rule of law, trust in the administration of justice, are key elements of a democratic society;

3. Considers the amendments to the 1948 Sedition Act in breach of Malaysia's Constitution, seriously undermining the freedom of expression and opinion in the country and its international human rights responsibilities; remains worried that the provisions of the Sedition Act have been used to curb legitimate rights and freedom of expression;

4. Calls on the Malaysian government to ratify the remaining core human rights conventions and to bring all laws and policies in line with international commitments;

5. Urges the Malaysian authorities to cease abusive arrests, arbitrary detentions or forced 'rehabilitation' of individuals involving in peaceful civil society or religious activities; calls on the Malaysian government to drop pending charges and prosecutions for critical speech and participation in peaceful assemblies;

6. Calls on the EU to consistently pursue the issues of human rights, freedom of expression and belief in the EU-Malaysian relations;

7. Instructs its President to forward this resolution to the Council, the Commission, the Prime Minister of Malaysia Najib Tun Razak, the UN Secretary-General, the UN High Commissioner for Human Rights, and the governments of the ASEAN Member States.