



Plenary sitting

B8-1415/2015

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))

Barbara Lochbihler, Jean Lambert, Bodil Valero, Heidi Hautala, Ernest Urtasun, Igor Šoltes, Davor Škrlec, Alyn Smith
on behalf of the Verts/ALE Group

B8-1415/2015

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

The European Parliament,

- having regard to its previous reports and resolutions on Malaysia, in particular its resolution of 21 January 2010 on the attacks on Christian communities, of 11 September 2013 on the negotiations for an EU-Malaysia partnership and cooperation agreement and of 15 January 2015 on the future of EU-ASEAN relations,
 - having regard to the Joint press release by the EEAS on the EU-ASEAN policy dialogue on human rights of 23 October 2015,
 - having regard to the visit to Malaysia of the HR/VP of 5-6 August 2015,
 - having regard to the Statement by the EEAS Spokesperson on the recently adopted amendment to the Sedition Act in Malaysia of April 2015,
 - having regard to the Statement by the EEAS Spokesperson on the arrest of Nurul Izzah, opposition Member of Parliament in Malaysia of March 2015,
 - having regard to the Statement by the EEAS Spokesperson on the conviction of Malaysian opposition politician Anwar Ibrahim of February 2015,
 - having regard to the Universal Periodic Review of Malaysia of 23 October 2013,
 - having regard to the UN Report of the Special Rapporteur on trafficking in persons, especially women and children of June 2015,
 - having regard to the statement of the UN High Commissioner for Human Rights on the Draft anti-terror and sedition laws seriously undermining freedom of expression and opinion in Malaysia of 9 April 2015,
 - having regard to the report by Global Financial Integrity (GFI) on "Illicit Financial Flows from Developing Countries: 2004-2013"
- A. Whereas since the last elections in 2013, which the opposition won by popular votes, the government has intensified efforts and passed legislation to silence critics and to criminalise peaceful expression, notably through the Sedition Act, the Printing Presses and Publications Act, the Communications and Multimedia Act, the Peaceful Assembly Act and certain paragraphs on the penal code;
- B. Whereas the ruling UMNO has been in power since independence 58 years ago,
- C. Whereas Prime Minister Najib Razak is under investigation on allegations of corruption after over 600 million euros have been found on his bank account without any justification of source and purpose as well as on separate allegations that hundreds of millions of dollars were missing from deals involving a state firm he launched, 1Malaysia Development Berhad (1MDB)
- D. Whereas on 4 December Malaysia's Parliament adopted the National Council Security Bill that grants sweeping powers to a Council headed by the Prime Minister, including

to declare the state of emergency in any area deemed a security risk, giving large powers to arrest, search and seizure without warrant

- E. Whereas under these laws numerous people, including opposition politicians, activists and journalists have been arrested or charged, media outlets have been suspended, websites shut down and protests declared unlawful
- F. Whereas the government continues - most prominently - the politically motivated persecution of opposition leader Anwar Ibrahim; whereas on 10 February 2015, the Federal Court in Putrajaya upheld the Court of Appeals' conviction of Anwar on charges of sodomy (Article 377 of the Criminal Code) and sentenced him to five years in prison, where he reportedly does not receive proper medical treatment and has only very limited access to his legal defence
- G. Whereas on 1 September 2015, the UN Working Group on Arbitrary Detention (UNWGAD) called for Anwar's immediate release and for his political rights to be reinstated
- H. Whereas on 14 December 2015 the trial opens against Lena Hendry, the programme coordinator for the human rights group Pusat Komnas, who was charged under the Film Censorship Act for showing the documentary 'No Fire Zone: The killing fields of Sri Lanka' in 2013 in a private meeting and if condemned could face up to three years in prison and a heavy fine;
- I. Whereas dozens of citizens, including members of Parliament, famous cartoonist Zulkiflee Anwar Ulhaque (Zunar) and law Professor Azmi Sharom are facing trial and possibly decade long prison sentences on the basis of the Sedition act for issuing government-critical positions
- J. Whereas Maria Chin Abdullah, chair of the Coalition for Free and Fair Elections (Bersih) has been charged under the penal code for organising a rally calling for institutional reforms to combat corruption in February 2015
- K. Whereas violence against LGBT persons continues with impunity by the police, religious officials and some members of the public and issues pertaining to sexual orientation and gender identity continue to be politicised to further create religious and racial divide in Malaysia,
- L. Whereas Malaysia continues to practice the Death penalty with currently up to 1000 prisoners on death row
 - 1. Recalls the commitment by the Malaysian government at the UN Human Rights Council on 20 March 2014 to improve compliance with international human rights standards;
 - 2. Expresses its great disappointment over the increasingly authoritarian and repressive measures and legislation the government is establishing in the interest to curtail freedom of expression, association and assembly;

3. Is particularly alarmed about the adoption of the National Council Security Bill which greatly endangers Malaysia's ambitions towards democratic rule and calls on the government to urgently revise its position;
4. Expresses equally its great concern over the allegations of corruption up to the highest level of government; calls on the authorities to thoroughly enquire the charges and to bring the responsible to justice; considering that Malaysia figures very high on the list of countries with corruption problems
5. Re-iterates its view that the leader of the opposition, Anwar Ibrahim, is a victim of arbitrary detention and political prisoner, who should be released instantly;
6. Calls on the authorities to drop all pending charges in cases in which people are solely charged for acts committed in exercise of their internationally recognised civil and political rights and recalls notably the cases of Lena Hendry, Zulkiflee Anwar Ulhaque and Azmi Sharom;
7. Appeals to the government and parliament to urgently revise legislation which allows arbitrary detention without judicial review such as the Prevention of Crime Act and the Security Offences Special Measures Act, as well as the Prevention of Terrorism Act 2015 and the National Security Council Bill;
8. Calls on the authorities to repeal bills that allow arbitrary government intervention to curtail freedom of expression and assembly, notably the Sedition Act, the Printing Presses and Publications Act, the Communications and Multimedia Act, the Peaceful Assembly Act and the Film Censorship Act, as well as provisions of the Penal Code that criminalize freedom of speech and of peaceful assembly;
9. Re-iterates its position that the death penalty is a cruel, inhumane and degrading treatment and calls Malaysia to introduce a moratorium as the first step towards the abolition of the death penalty for all offences and commute all death sentences to prison terms;
10. Comments the recent court ruling on the rights of transgender women in the state of Negeri, however remains concerned that under the country's anti-sodomy law and regional laws prohibiting cross-dressing, LGBTI people continue to face political hate speech, arbitrary arrest, physical and sexual assault, imprisonment and other abuses;
11. Believes that Malaysia's aspirations as a rising economic and political power within ASEAN is best served by offering a stable, democratic and tolerant society and expresses strong concerns about the country's recent developments;
12. Considers that recent negotiations between the EU on a Partnership and Cooperation Agreement and on a Free Trade Agreement will be put at risk by the latest developments and will doubtless come to a halt unless there are convincing and drastic changes in the political course pursued by the government;
13. Takes note of analyses such as by Global Financial Integrity (GFI) which rank Malaysia fifth by the amount of outflow of illicit funds and give an idea about the amount of revenue the state loses through corruption; considers that drastic and urgent reforms are needed;
14. Calls on the EEAS and the EU Member States to express the seriousness of the concerns about Malaysia's democratic development in all its contacts with the government and administration both through silent and public diplomacy;
15. Instructs its President to forward this resolution to the VP/HR of the Common Foreign Policy, Council, Commission, the Secretary General of ASEAN and the Government and Parliament Malaysia.