



Plenary sitting

B8-0248/2019

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))

Elena Valenciano, Victor Boștinaru, Soraya Post
on behalf of the S&D Group

B8-0248/2019

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

The European Parliament,

- having regard to its resolution of the 3 October 2017 on EU political relations with ASEAN;
- having regard to its resolution of 8 October 2015 on the death penalty (2015/2879(RSP));
- having regard to the statement by the Spokesperson of the EU on the implementation of the Penal Code Order in Brunei-Darussalam of the 3 April 2019;
- having regard to the press release of the sub-committee of human rights of the European Parliament of the 29 March 2019;
- having regard to the statement of the United Nations human rights office of the High Commissioner of the 1 April 2019 urging Brunei-Darussalam to stop entry into force of the ‘draconian’ new penal code;
- having regard to the press statement of UNAIDS and the United Nations Population Fund to urge the Government of Brunei-Darussalam to repeal new discriminatory and harmful criminal law provisions;
- having regard to the 2012 ASEAN Human Rights Declaration;
- having regard to the 2018-2022 ASEAN-EU Action Plan of Action;
- having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- having regard to ASEAN Parliamentarians for Human Rights (APHR), a body founded in 2013 with the objective of promoting democracy and human rights in all ASEAN member states;
- having regard to the Convention of the Rights of the Child;
- having regard to the Convention on the Elimination of All Forms of Discrimination Against Women;
- 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 Rule 135 of its Rules of Procedure.
- A. Whereas on the 3 April 2019 the third stage of the implementation of the 2013 Penal Code Order of Brunei-Darussalam entered into force;
- B. whereas the revision of the penal code foresees draconian punishments such as the death penalty for offences such as rape, adultery, sodomy, same-sex relations, extramarital sexual relations for Muslims, robbery and insult or defamation of the Prophet Mohammed, amongst others, as well the introduction of public flogging for abortion, whipping for same-sex relations between women and amputation for theft;
- C. whereas some of the punishments enshrined in the penal code amount to torture, cruel, inhumane and degrading treatment prohibited by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment to which Brunei-Darussalam is a signatory since 2015;
- D. whereas Brunei-Darussalam has been an abolitionist of the death penalty, with the last execution carried out in 1957; whereas the revision of the penal code marks a setback for human rights protections for the people of Brunei if implemented;
- E. whereas the provisions of the revised penal code allow for the implementation of the death penalty against the provisions and obligations under international human rights law and standards which impose stringent restrictions on the use of death penalty and which may only applied after full due process requirements are met;
- F. whereas the revised legal provisions are discriminating against women, religious minorities, non-believers and LGBTI people;
- G. whereas laws that criminalise homosexuality and punish reproductive health care are discriminatory, having a disproportionate impact on women and LGBTI people, creating barriers to accessing health information and services, increasing the vulnerability to HIV and other health concerns, impeding access to sexual and reproductive health and rights, including HIV services, negatively affecting public health;
1. Strongly condemns the use of torture, cruel, degrading and inhuman treatment in all circumstances and reiterates its condemnation of the death penalty;

2. Reminds that the European Union is firmly committed to the universal abolition of the death penalty, torture and other cruel, inhuman or degrading punishments;
3. Welcomes that Brunei-Darussalam has been an abolitionist of the death penalty, with the last execution carried out in 1957; Calls on the authorities to maintain its de facto moratorium on the death penalty;
4. Calls on the authorities of Brunei-Darussalam to repeal all laws which are discriminatory and which can result in cruel, degrading and inhumane treatment or torture and to bring all its laws in line with international standards and human rights;
5. Calls on the authorities of Brunei-Darussalam to ensure that the implementation of the revised Penal Code does not infringe on human rights and to ensure its compliance with all international and regional human rights commitments, obligations and standards which it has undertaken;
6. Encourages Brunei-Darussalam to foster political dialogue with key stakeholders in civil society, human rights organisations, faith-based institutions, and business organisations, both inside and outside Brunei, in order to foster and safeguard human rights on its territory ;
7. Highlights its support to LGBTI people and to the work of human rights defenders in promoting and protecting their rights;
8. Urges Brunei-Darussalam to ratify the remaining UN core international human rights instruments, including the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; urges Brunei authorities to extend a standing invitation to the visit of all Special Procedures of the UN Human;
9. Calls on the EEAS to include LGBTI rights as an item on the agenda of the next ASEAN-EU Policy Dialogue on Human Rights;
10. Calls on the EEAS to foster and support safe spaces for faith-based 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 Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service, the Council and the Member States to consider the introduction of EU restricted measures, including targeted sanctions and asset freezes against the highest responsible individuals in authority in Brunei, in the event of effective implementation of the Penal Code; Calls upon EU Delegation of Brunei Darussalam in Jakarta and the EEAS to closely monitor the situation and to consult with the Brunei authorities, ambassadors and representatives in this regard;

12. Urges all ASEAN member states to enhance the promotion and protection of human rights and fundamental freedoms in accordance with relevant international and regional human rights instruments to which all ASEAN and EU Member States are parties;

13. Instructs its President to forward this resolution to the Government and to the Sultan of the Brunei- Darussalam, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the European External Action Service, the parliaments and governments of the Member States, the United Nations High Commissioner for Human Rights, the governments of the ASEAN Member States and the ASEAN Intergovernmental Commission on Human Rights.