



Plenary sitting

B8-0250/2019

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))

Cristian Dan Preda, Tomáš Zdechovský, José Ignacio Salafranca Sánchez-Neyra, Esther de Lange, Jarosław Wałęsa, Romana Tomc, Csaba Sógor, Pavel Svoboda, Milan Zver, Michaela Šojdrová, Tunne Kelam, David McAllister, Adam Szejnfeld, Dubravka Šuica, Laima Liucija Andrikienė, Seán Kelly, Andrey Kovatchev, Anna Maria Corazza Bildt, Sandra Kalniete, Inese Vaidere, Francisco José Millán Mon
on behalf of the PPE Group

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

The European Parliament,

- having regard to the Statement by the Spokesperson of the EEAS of 3 April 2019 on the implementation of the Penal Code Order in Brunei-Darussalam,
- having regard to the Statement by the UN High Commissioner for Human Rights of 1 April 2019 on Brunei,
 - having regard to the Statement of the Deputy Spokesperson of the US State Department of 2 April 2019 on Implementation of Phases Two and Three of Brunei's Sharia Penal Code,
 - having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984,
 - having regard to the Convention of the Rights of the Child of 1989,
 - having regard to the Convention on the Elimination of All Forms of Discrimination against Women of 1979,
 - having regard to the second ASEAN-EU Policy Dialogue on Human Rights of 29 November 2017,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the third stage of implementation of the Syariah Penal Code Order of Brunei entered into force on 3 April 2019;
- B. whereas some of the punishments foreseen in the Syariah Penal Code amount to torture, acts of cruel, inhuman or degrading treatment which are prohibited by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- C. whereas the provisions of the Syariah Penal Code may encourage violence and discrimination on the basis of sexual orientation, against women, and against religious minorities in Brunei;
- D. whereas the Syariah Penal Code will effectively reintroduce the death penalty, which has not been imposed since 1957;
- E. whereas the Syariah Penal Code will make homosexuality punishable by death to stoning;
- F. whereas, prior to introduction of the Syariah Penal Code, homosexuality in Brunei was

illegal and punishable by up to 10 years imprisonment;

- G. whereas the Syariah Penal Code applies to both Muslims and non-Muslims, including foreigners, as well as to offenses committed outside the country by citizens or permanent residents;
 - H. whereas the UN Special Rapporteur on Torture has stated that any form of corporal punishment is contrary to the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and cannot be considered a lawful sanction under international law;
 - I. whereas Brunei is known for its multi-ethnic population with a wide variety of religions, including Islam, Christianity, Buddhism, Hinduism and various indigenous religions, living peacefully together;
 - J. whereas Brunei's constitution recognizes religious freedom and prescribes "that all religions may be practised in peace and harmony by the persons professing them";
 - K. whereas, despite Brunei's constitution, the Government has prohibited the proselytizing and teaching of all religions but Islam, and has banned all public Christmas celebrations;
1. Urges the authorities of Brunei to repeal the Syariah Penal Code, and to ensure that its laws comply with international law and standards, consistent with Brunei's obligations under international human rights instruments;
 2. Stresses that implementation of the Syariah Penal Code would undermine Brunei's international human rights commitments, including the freedoms of religion and of expression;
 3. Underlines that the provisions of the Syariah Penal Code violate Brunei's obligations under international human rights law, and that the punishments provided under the Syariah Penal Code violate customary international law prohibitions against torture and other ill-treatment;
 4. Stresses that under international human rights law, corporal punishment in all its forms, such as stoning, amputation or whipping, constitutes torture or other cruel, inhuman or degrading punishment, which is prohibited in all circumstances;
 5. Calls on the authorities of Brunei to maintain its moratorium on the use of the death penalty to be consolidated by complete abolition of the death penalty;
 6. Calls on the authorities of Brunei to ensure the principle of equality before the law and respect for the fundamental rights of all citizens without distinction of any kind, such as gender, sexual orientation, race or religion;
 7. Strongly condemns the persecution of the LGBT community in Brunei and urgently calls on the authorities to refrain from imposing the death penalty to those who commit homosexual acts;

8. Calls on the authorities of Brunei to respect international human rights and to decriminalise homosexuality;
9. Calls on the authorities of Brunei to fully respect religious freedom in the Sultanate, as laid down in its own constitution, and to allow the public celebration of all religious festivals, including Christmas;
10. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Secretary-General of the United Nations and the Council of Ministers and Legislative Council of Brunei.