



Plenary sitting

B8-0251/2019

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))

Urmas Paet, Beatriz Becerra Basterrechea, Izaskun Bilbao Barandica, Gérard Deprez, María Teresa Giménez Barbat, Marian Harkin, Ivan Jakovčić, Petr Ježek, Louis Michel, Javier Nart, Maite Pagazaurtundúa Ruiz, Carolina Punset, Jozo Radoš, Frédérique Ries, Robert Rochefort, Marietje Schaake, Jasenko Selimovic, Johannes Cornelis van Baalen, Hilde Vautmans, Mirja Vehkaperä
on behalf of the ALDE Group

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

The European Parliament,

- Having regards to the EU Guidelines on the Death Penalty, on Torture and on Freedom of Expression;
 - Having regard to the EU Guidelines on Human Rights Defenders;
 - Having regard to the Statement of the Spokesperson on the implementation of the Penal Code Order in Brunei of 3 April 2019;
 - Having regard to the Statement of the UN High Commissioner for Human Rights Michelle Bachelet of 1 April 2019;
 - Having regards to the statement made by Michel Sidibe, executive Director of UNAIDS
 - Having regard to the Universal Declaration of Human Rights;
 - Having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, signed by Brunei in 2015;
 - Having regard to the ASEAN Human Rights Declaration of 2012;
 - Having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. Whereas Brunei is one of the world's last absolute monarchies, next to the Vatican City, Saudi Arabia, Oman, UAE, Qatar and Swaziland;
- B. Whereas the government of Brunei introduced a new Sharia penal code threatening a number of human rights such as the freedoms of expression-, sexual orientation-, religion; whereas the new penal code requires for death by stoning for extramarital sex, homosexual relations and abortion and amputation of limbs for stealing; whereas the code also imposes the death penalty for some forms of robbery, rape and for insulting or defamation of Prophet Mohammad by both Muslims and non-Muslims; whereas the penal code went into effect on 3 April 2019;
- C. Whereas the new code punishes both Muslims and non-Muslims for printing, disseminating, importing, broadcasting and distributing publications against Islamic beliefs and punishes indecent dressing and cross-dressing;
- D. Whereas children who have reached puberty and are convicted of these offenses can receive the same punishments as adults; whereas certain younger children may be subjected to whipping;

- E. Whereas the code sets up serious barriers for Muslim Women to escape violent marriages or seek equal employment opportunities;
 - F. Whereas the provisions under the new Sharia penal code violate Brunei's obligations under international human rights law, including the rights to life, freedom from torture and other ill-treatment, expression, religion, privacy and individual autonomy; whereas the code is discriminatory and violates the rights of women, children, and lesbian, gay, bisexual and transgender people, amongst others;
 - G. Whereas anyone who publicly consumes food, drink or tobacco before sundown during the month of Ramadan faces imprisonment and a fine under Article 195;
 - H. Whereas Brunei is one of eleven countries that prescribes the death penalty for homosexuality; whereas Brunei has a de facto moratorium on the use of death penalty with the last execution carried out in 1957;
 - I. Whereas the EU condemns the death penalty, wherever, whenever;
 - J. Whereas the Brunei Investment Agency (BIA), which is part of the Brunei Ministry of Finance and Economy, owns a variety of investment projects all over the world; Whereas the BIA has stated that respect for each other and value differences and diversity is part of its core values;
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- 1. Calls for Sultan Hassanal Bolkiah to immediately suspend amputations, stoning and all other provisions and punishments introduced under Sharia law, that abuse rights; Urges the Government of Brunei to repeal the discriminatory and harmful criminal law provisions immediately; calls for a moratorium on the death penalty;
 - 2. Is deeply concerned with the fact that while many countries are decriminalizing consensual same-sex conduct, Brunei has taken a step back by becoming one of the seven countries that punish consensual homosexual acts with the death penalty;
 - 3. Stresses that any religion-based legislation must not violate human rights, including the rights of those belonging to the majority religion, as well as of religious minorities and non-believers;
 - 4. Is strongly concerned about the possible application of the criminal law to children and children who have reached puberty; Calls on Brunei to under no circumstance apply capital punishments, torture or imprisonment to these children;

5. Calls on all EU institutions and Member States to apply individual sanctions, including the blacklisting of hotels and other businesses of the Brunei Investment Agency, a government-owned corporation which is controlled by Sultan Hassanal Bolkiah, for as long as the penal code is in force;
6. Urges the HR/VP and Member States to impose targeted Magnitsky sanctions, such as asset freezes, and travel bans, against officials responsible for implementing the penal code that causes serious human rights violations; stresses the importance of the establishment of an EU human rights sanctions regime;
7. 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, and the government and the parliament of Brunei.