Resolution on Malaysia: the practice of caning

2010/3008(RSP) - 16/12/2010 - Text adopted by Parliament, single reading

Following the debate which was held in plenary on the same day, the European Parliament adopted a resolution on Malaysia: the practice of caning.

The text adopted in plenary was tabled as a joint resolution by the EPP, S&D, ALDE, Greens/EFA, ECR and GUE/NGL.

The resolution recalls that Malaysian law provides for punishment by caning (known as ‘whipping’) for at least 66 offences, and according to estimates by Amnesty International as many as 10 000 Malaysian citizens and increasing numbers of refugees and migrants are caned in Malaysian prisons every year.

Although caning – a remnant of colonial rule – is still practised in a small number of countries, the resolution states that Malaysia is the only country with a considerable population size and a high level of human development to retain this form of punishment. The Malaysian Bar Association, which represents 8000 lawyers, has called for this form of punishment to be abolished, claiming that it contravenes all international human rights norms and various conventions on torture.

Parliament strongly condemns caning and all forms of corporal punishment and ill-treatment of prisoners. It firmly believes that Malaysia cannot invoke its domestic laws to justify a practice that amounts to torture and is clearly illegal under international law. It also urges Malaysia to enact a moratorium on caning and all forms of corporal punishment in all cases, with a view to their abolition in law and in practice.

The Malaysian authorities are called upon to

- immediately halt the current practice of pressuring prison officials and medical officers to be complicit in the ill-treatment of prisoners when canings are administered;
- implement international standards relating to the protection of migrants, refugees and asylum seekers, including in criminal proceedings against them, in order to ensure their effective protection against torture and ill-treatment.

Parliament also calls on the Malaysian Parliament to ratify the UN Convention against Torture and its Optional Protocol as well as other applicable international texts on this issue.

The High Representative of the Union for Foreign Affairs and Security Policy calls upon the Council and the Commission to continue making representations to all of the European Union's international partners urging them to ratify and implement international conventions banning the use of torture and ill-treatment. For its part, the EU is called upon to give the fight against torture and ill-treatment top priority in its human rights policy.