



EUROPEAN UNION
DELEGATION TO MALAYSIA

Roundtable on the abolition of the mandatory death penalty in Malaysia

17 November 2015, Parliament of Malaysia

Remarks by H.E. Luc Vandebon

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Y.B. Dato' Seri Mohamed Nazri Abdul Aziz, Minister of Tourism & Culture,
Y.B. Puan Hajah Nancy Shukri, Minister in the Prime Minister's Department,
Honourable Members of Parliament,
Distinguished guests,
Dear Colleagues,

First of all, I would like to thank the organisers, the Parliamentarians for Global Action, for inviting me to today's Roundtable. Over the last few years, Malaysia has seen concerted efforts to promote the abolition of the death penalty. Since 2011, the EU has been supporting these efforts in a joint campaign with the Malaysian Human Rights Commission (SUHAKAM), the Bar Council, the Foreign and Commonwealth Office, the Embassy of Switzerland, Amnesty International Malaysia and the Chinese Assembly Hall. Therefore, today's Roundtable goes very much in line with the efforts of all organisations active in the field.

The decade that elapsed has seen an increase of the number of countries that have officially abolished the death penalty. Several countries have ended it in practice, either by declaring an official moratorium or by refraining from carrying out executions. Others have taken steps to narrow the scope of the death penalty. Today 140 countries are abolitionist in law or in practice they are more than double in numbers in comparison to the states that still retain and use the death penalty. In the Asian continent, the status of capital punishment use is anything but uniform. Five countries have abolished the death penalty completely (Cambodia, Bhutan, Nepal, Mongolia and the Philippines), six have retained the death penalty in their legislation but are considered as abolitionist in practice (Maldives, Brunei, Sri Lanka, Myanmar, Laos and South Korea), whereas thirteen retain the capital punishment and have carried out executions within the past 10 years.

However, some common trends do exist: in many Asian countries death penalty is still applied as a mandatory punishment, despite the fact that many UN Human Rights bodies have ruled that a mandatory death penalty is incompatible with the provisions of international human rights norms.

The European Union holds a strong and principled position against the death penalty; it considers it a cruel, inhuman and irreversible punishment. Europe is today the only region in the world where the death penalty is no longer applied. Therefore, there is no surprise that the European Union has made the abolition of the death penalty a main objective of its human rights policy worldwide. The EU engages with retentionist countries, grounding its actions in the well-established principles of international human rights law. Article 6 of the International Covenant on Civil and Political Rights underlines that "every human being has the inherent right to life" and goes on to stipulate that "in countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes". It is important to note, that in accordance with international law, crimes such as drugs trafficking are not among the "most serious crimes" to which the Covenant refers. The EU will continue to uphold these commonly accepted international principles in a cooperation spirit, looking for sharing of experience and building on commitments made by partner countries, notably at their Universal Periodic Review in the UN Human Rights Council, where Malaysia is among the countries which accepted recommendations for death penalty reforms.

Malaysia still has the death penalty. At least 3 executions have been carried out in 2013, and, according to the Amnesty International, at least two in 2014. The number of those presently on the death row is above 1000 people. However, I venture the opinion that, while Malaysia is still a retentionist country, there is space for a step in the right direction in line with well-established international standards. A first such step could be the abolition of the mandatory death sentence for drugs trafficking. Malaysia has announced publicly that an alternative sentence for drugs trafficking was being studied by the Attorney-General's Chambers. We are looking forward to the conclusions of the study.

I wish all participants productive discussions.

Thank you for your attention.

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