

**Withdraw Assembly Bill, initiate real reform**  
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The Malaysian government should withdraw the Peaceful Assembly Bill 2011 as it violates rather than protect the people's right to freedom of assembly, a regional human rights organisation says in response to the Dec 20 approval of the bill by the Malaysian Senate.

The Asian Forum for Human Rights and Development (Forum-Asia), with 49 members in Asia, says the swift passage of the Bill by the two houses of the Malaysian Parliament without public consultation makes a mockery of the pledges of Prime Minister Najib Abdul Razak to initiate political reform after the widely condemned crackdown on the Bersih 2.0 rally in July.

On Sept 15, 2011, along with an announcement to repeal the controversial Internal Security Act (ISA), Najib said that the government would review Section 27 of the Police Act which requires police permits for mass assemblies other than street protests.

On Nov 22, the draft Peaceful Assembly Bill 2011 was tabled for its first reading in the lower house of Parliament. The second reading of the Bill took place a mere two days later. After heated discussions, the Bill was approved by the House of Representatives on Nov 29 with six amendments.

The rights group expresses its disappointment over the hasty introduction of the Bill by the Malaysian government without sufficient time for members of Parliament to adequately review it and its potential impact. Forum-Asia adds that there was also an absence of genuine consultations with the National Human Rights Commission of Malaysia (Suhakam) or civil society.

The six amendments made by the House of Representatives were merely cosmetic since the overall Bill still severely restricts the right to freedom of assembly. Street rallies and moving protests from one venue to another, falls under the definition of "street protest" in the approved bill, and are totally banned.

The Bill prohibits non-citizens from joining any public assembly, which discriminates against migrant workers and refugees. Its ban of children under 15 from joining assemblies goes against the obligations of Malaysia as a party to the Convention on the Rights of the Child (CRC), including the child's right to freedom of assembly protected under Article 15.

Although the Bill may seem to abolish the requirement for police permits for any assembly to take place, it actually imposes stringent and cumbersome procedural restrictions and regulations on how the right can be exercised. The Bill also contains vague provisions and definitions that may open to arbitrary interpretation by authorities, especially the police that are given vast powers in handling public assemblies.

Earlier, four United Nations independent experts issued a joint statement on Dec 7, 2011 expressing concerns that the Bill "may arbitrarily and disproportionately restrict the right to assemble peacefully". They warned that "people in Malaysia may not be able to express their dissent in public spaces without fear of being detained or sanctioned."

The UN Special Rapporteurs called on the Malaysian government to urgently review the Bill to ensure its compliance with fundamental human rights.

The Bill violates human rights, goes against the Malaysian federal constitution that guarantees the right to freedom of assembly, and is discriminatory against non-citizens and young people who are the future of the nation. If Prime Minister Najib is sincere about political reform, his government should withdraw the Bill immediately or replace it with one that fully guarantees the right to freedom of assembly.

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