

LAWASIA Concern At Malaysian Peaceful Assembly Bill

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LAWASIA, the Law Association for Asia and the Pacific, joins its voice with that of its member organisation, the Malaysian Bar, and other members of Malaysian civil society in recording its objection to and alarm at the content of the Peaceful Assembly Bill (the Bill) tabled in the Malaysian Parliament on 22 November 2011 for first reading.

It expresses its particular concern at the haste with which this legislation is set to move through Parliament, with the second reading beginning only two days after the first reading, allowing little time for members of Parliament to familiarise themselves with what are contentious restrictions on freedom of assembly, and with no time to seek public consultation.

Aspects of the Bill appear to be in direct or indirect contravention of human rights norms, established through the Universal Declaration of Human Rights, which at Article 20 (1) declares that: Everyone has the right to freedom of peaceful assembly and association and which principle is entrenched in other international and regional instruments.

LAWASIA finds particularly objectionable the constraints and severe restrictions that the Peaceful Assembly Bill places on activities and aspects that are otherwise acceptable in civilised countries. Among others, these include the prohibition of street protests, the age restrictions on who may organise and attend an assembly, and the onerous procedures required to seek permission to hold an assembly.

Further, the powers that are provided to the police to determine practical aspects of an assembly and to exercise force in dispersing an illegal assembly not only constrain considerably a universally-accepted civil liberty but also lack the definition that would safeguard members of the public from the excessive misuse of such powers.

It is noted that members of the Malaysian Bar marched peacefully to Parliament to present their alternative draft Bill to the Deputy Minister for Law and to the Leader of the Opposition on 29 November. This occurred in the presence of a counter demonstration and with only minimal notice provided to police, who handled the situation well. It is significant that this occurred without threat to public order or safety as an illustration that the right to peaceful freedom of assembly by way of street march can be exercised in Malaysia without the excessive restriction that the Peaceful Assembly Bill proposes.

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