

Not Too Late For Najib To Withdraw Peaceful Assembly Bill

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by Lim Kit Siang

After the Prime Minister, Najib Razak's boast and claim during Malaysia Day celebrations this year to make Malaysia "the best democracy in the world", Malaysia should stand tall to celebrate the International Human Rights Day.

But this is not the case.

Just like the International Anti-Corruption Day, the Malaysian Government is quite sheepish and quite guilty-conscious about the event.

Result: no word or message by Najib whether on International Anti-Corruption Day or International Human Rights Day!

On Friday's International Anti-Corruption Day, there was nothing the crow about as it was about a week ago that Malaysia suffered the nation's worst international report card on its anti-corruption front, when Malaysia suffered the worst Transparency International (TI) Corruption Perception Index (CPI) for the year 2011 – ranked No. 60 with score of 4.3 when Malaysia was ranked No. 23 in 1995 and scored 5.32 in 1996.

For today's International Human Rights Day, Malaysia has also nothing to crow about despite the Prime Minister's promise in September on Malaysia Day to usher in a whole series of democratization and "political transformation" like repeal of the draconian Internal Security Act and review of the undemocratic Section 27 of the Police Act "taking into consideration Article 10 of the Federal Constitution regarding freedom of assembly and so as to be in line with international norms of the same matter".

This is because all the hoopla and euphoria of a Najib "democratic spring" had been nullified by the indecent haste with which the Peaceful Assembly Bill had been drafted and rushed through the Dewan Rakyat, without giving all stakeholders, whether political parties, MPs, human rights groups, NGOs and the civil society adequate time to be consulted to ensure that we have a legislation which genuinely facilitate the expression of the fundamental right of freedom of assembly by Malaysians instead of an even more restrictive and repressive law hampering the freedom of assembly by the citizenry.

As has been cynically pointed out, Rudolf the red-nosed Reindeer and Christmas caroling may be required under the Peaceful Assembly Bill to get police permits before making their annual rounds to spread Christmas cheer!

For the first time in the nation's history, a whole phalanx of United Nations human rights rapporteurs have ganged up to denounce the Peaceful Assembly Bill as a grave threat to human rights.

UN Special Rapporteur on the rights to freedom of peaceful assembly and of association Maina Kiai voiced “deep regret” that the Human Rights Commission of Malaysia (Suhakam) or civil society was not meaningfully consulted in the drafting of the Bill.

He said the Bill contains a vague definition of assembly and also places broad restrictions and conditions on gatherings, giving “excessive authority” and power to law enforcement officials and the home minister.

“Many of these restrictions are not justifiable under international law. It also gives discretion to the police to make any form of recording of assemblies,” he said.

Another Special Rapporteur, Margaret Sekaggya said she is alarmed by the provision prohibiting citizens below 21 years of age to assemble.

“Political and social participation through peaceful protests are not only an educational experience for children, youth and students but also an investment for society as a whole,” she said.

Frank La Rue, another Special Rapporteur on the right to freedom of expression, has urged the Malaysian government to seriously reconsider the adoption of the Bill.

“The ability of all individuals to express themselves freely, including in the form of peaceful assemblies, is a litmus test for the level of democracy in any country.”

Francois Crepeau, a Special Rapporteur on the human rights of migrants, called for an urgent review of the Bill.

“Everyone has the right to freedom of assembly and association, without distinction of any kind, including nationality,” said Crepeau.

The Prime Minister must be mindful that Malaysia is a member of the UN Human Rights Council until 2013 and we should be setting an international example of compliance, respect and promotion of the universally-recognised human rights in international covenants.

It is not too late for Najib to heed the opposition of Malaysians and UN human rights experts to the Peaceful Assembly Bill, withhold it from Senate and set up instead a Parliamentary Select Committee to conduct full and nation-wide consultation on the Bill.

This will really make International Human Rights Day 2011 meaningful and memorable.

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