

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the preamble.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. Res. 198

Condemning Brunei's dramatic human rights backsliding.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MENENDEZ

Viz:

1 Strike the preamble and insert the following:

Whereas Brunei has been led since 1967 by one of the
world's longest-reigning monarchs, Sultan Haji Hassanal
Bolkiah;

Whereas Brunei gained independence in 1984;

Whereas emergency powers in place in Brunei since 1962
allow the sultan to govern with few limitations to his au-
thority;

Whereas, according to the United States Department of State
2018 Human Rights Report, human rights issues in
Brunei included censorship, interferences with the rights
of peaceful assembly and freedom of association, crimes
involving violence or threats targeting homosexuality, and
exploitation of foreign workers, including through forced
labor;

Whereas Brunei's media are neither free nor diverse, with broadcasting dominated by the state and private media owned or controlled by the royal family;

Whereas homosexuality has been illegal in Brunei, carrying a punishment of up to ten years in prison;

Whereas in 2013, the Government of Brunei announced it was imposing a revised penal code that included harsher punishments of death by stoning for adultery and homosexual relations;

Whereas international condemnation resulted in a delay in carrying out the provisions;

Whereas, in March 2019, the Government of Brunei announced it was going forward with the penal code to take effect April 3, 2019;

Whereas the penal code includes, among other things, death by stoning for male same-sex relations, adultery, and blasphemy, amputation of limbs for theft, whipping for female same-sex relations, and criminalization of exposure of children to the beliefs and practices of differing religions;

Whereas, on April 2, 2019, the Department of State said Brunei's new penal code and associated penalties run "counter to its international human rights obligations including with respect to torture or other cruel, inhuman or degrading treatment or punishment";

Whereas, on April 18, 2019, the European Parliament adopted a resolution strongly condemning Brunei for introducing "retrograde" laws, calling for their immediate repeal, urging that Brunei uphold its international obligations under "international human rights instruments, including with regard to sexual minorities, religious minori-

ties and non-believers,” and suggesting visa bans and asset freezes should the penal code not be repealed;

Whereas the United Nations and international human rights organizations have denounced the penal code, arguing they amount to torture and a violation of human rights;

Whereas United Nations High Commissioner for Human Rights Michelle Bachelet urged Brunei to repeal the penal code, noting the punishments proscribed as “cruel, inhuman, and degrading” and calling the code a “serious setback for human rights protections”;

Whereas Human Rights Watch stated, “Brunei’s new penal code is barbaric to the core, imposing archaic punishments for acts that shouldn’t even be crimes. . . . Sultan Hassanal should immediately suspend amputations, stoning, and all other rights-abusing provisions and punishments.”;

Whereas Amnesty International stated, “Brunei’s Penal Code is a deeply flawed piece of legislation containing a range of provisions that violate human rights. . . . As well as imposing cruel, inhuman and degrading punishments, it blatantly restricts the rights to freedom of expression, religion and belief, and codifies discrimination against women and girls.”; and

Whereas the Joint United Nations Program on HIV/AIDS (UNAIDS) Executive Director Michel Sidibé stated that the implementation of this discriminatory penal code will “drive people underground and out of reach of life-saving HIV treatment and prevention services,” and UNAIDS and the United Nations Population Fund noted these kinds of laws “increase stigma, and give license to dis-

crimination, violence, and harassment”: Now, therefore,
be it