

# Brunei Darussalam

Brunei, a Malay state located on the north coast of the island of Borneo in Southeast Asia, has a population of under half a million and one of the highest standards of living in the world, thanks to its large reserves of oil and gas. The country is governed by the constitution and the national tradition of the Malay Islamic Monarchy, and there have been no direct legislative elections held in Brunei since 1962. Brunei is a member state of the Organization of Islamic Cooperation (OIC).

*The implementation of a new Sharia penal code, and the state Grand Mufti advocating death for apostasy, represent a serious degradation in freedom of thought and expression. The second phase of a plan to implement harsh new Sharia penalties under the criminal code became active in April 2019, introducing the death penalty for various hudud crimes including apostasy, homosexuality, and adultery.*

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<p><u>State legislation is largely or entirely derived from religious law or by religious authorities</u>  <u>The non-religious are barred from holding government office</u></p>		<p><u>Government figures or state agencies openly marginalize, harass, or incite hatred or violence against the non-religious</u></p>	<p><u>Expression of core Humanist principles on democracy, freedom and human rights is brutally repressed</u>  <u>It is illegal to advocate secularism or church-state separation, or such advocacy is suppressed</u>  <u>It is illegal or unrecognised to identify as an atheist or as non-religious</u></p>
	<p><u>Religious or ideological instruction is mandatory in all or most state-funded schools with no secular or humanist alternative</u></p>	<p><u>Systemic religious privilege results in significant social discrimination</u>  <u>Government authorities push a socially conservative, religiously or ideologically inspired agenda, without regard to the rights of those with progressive views</u>  <u>Religious control over family law or legislation on moral matters</u></p>	<p><u>'Apostasy' is outlawed and punishable with a prison sentence</u>  <u>'Blasphemy' is outlawed or criticism of religion is restricted and punishable with a prison sentence</u></p>

Constitution and government	Education and children's rights	Family, community, society, religious courts and tribunals	Freedom of expression advocacy of humanist values
<u>There is an established church or state religion</u> <u>State-funding of religious institutions or salaries, or discriminatory tax exemptions</u>	<u>There is state funding of at least some religious schools</u>	<u>Discriminatory prominence is given to religious bodies, traditions or leaders</u>	

Legend

## Constitution and government

Whilst Brunei's constitution states that "all [...] religions may be practised in peace and harmony", it also establishes "the Muslim religion according to the Shafi'i sect of that religion" as the official religion of Brunei.

Anyone who teaches or promotes any "deviant" beliefs or practices in public may be charged under the Islamic Religious Council Act and punished with three months incarceration and a fine of BND 2,000 (US\$1,550).

All government meetings and ceremonies commence with a Muslim prayer.

### New Sharia penal code

Brunei adopted a new Sharia penal code in 2013, which was implemented in stages over several years. It contains a range of provisions that restrict the right to freedom of thought, conscience and religion. The provisions include harsh penalties for not performing Friday prayers or observing Ramadan and expanded restrictions on the rights of individuals hold or speak freely about certain beliefs. (See "Apostasy and blasphemy" below.)

Then final phase, introduced 3 April 2019, was met with international condemnation. It includes death penalties for *hudud* crimes including apostasy, blasphemy, adultery and homosexuality.

"General offences" listed in the act include:

- 209. Propagation of religion other than religion of Islam.
  - 210. Persuading etc. Muslims to change religion.
  - 211. Persuading etc. person having no religion to become believer of etc. religion other than religion of Islam etc.
  - 212. Exposing beliefs and practices of religion other than religion of Islam to Muslim child, or child whose parents have no religion, who is under 18 years. ...
  - 229. Religious teaching without written approval.
  - 230. Contempt etc. of religious authority. ...
  - 235. Incitement to neglect religious duty.
- [agc.gov.bn/AGC%20Images/LAWS/Gazette\\_PDF/2013/EN/S069.pdf](http://agc.gov.bn/AGC%20Images/LAWS/Gazette_PDF/2013/EN/S069.pdf)

There had been international condemnation of the planned final stage of the Sharia implementation.

*“Application of the death penalty for such a broad range of offenses contravenes international law.”*

— Rupert Colville, spokesperson for the Office of the UN High Commissioner for Human Rights (OHCHR)

<[un.org/apps/news/story.asp?NewsID=47552#.VGiH01esUi4](http://un.org/apps/news/story.asp?NewsID=47552#.VGiH01esUi4)>

Rights groups widely condemned the law. Amnesty International called it “heinous” and “cruel”, arguing that “Brunei must immediately halt its plans to implement these vicious punishments, and revise its Penal Code in compliance with its human rights obligations.”

<[amnesty.org/en/latest/news/2019/03/brunei-darussalam-heinous-punishments-to-become-law-next-week/](http://amnesty.org/en/latest/news/2019/03/brunei-darussalam-heinous-punishments-to-become-law-next-week/)>

<[hrw.org/news/2019/04/03/brunei-new-penal-code-imposes-maiming-stoning](http://hrw.org/news/2019/04/03/brunei-new-penal-code-imposes-maiming-stoning)>

<[humanists.international/2019/04/bruneis-new-laws-are-a-national-shame-and-highlight-international-failings/](http://humanists.international/2019/04/bruneis-new-laws-are-a-national-shame-and-highlight-international-failings/)>

In May 2019, the sultan said that a moratorium on the death penalty would remain in force, but defended the legislation overall. Those convicted of death under moratorium conditions can usually expect in effect to serve indefinite life sentences.

<[bbc.co.uk/news/world-asia-48171165](http://bbc.co.uk/news/world-asia-48171165)>

## **Education and children’s rights**

The government’s promotion of the Shafi’i school of Sunni Islam to the exclusion of other beliefs has continued within the education system. The Compulsory Religious Education Order of 2012 mandates compulsory Islamic religious education registration of all Muslim children aged seven to fifteen. The Islamic Religious Council Act stipulates the banning of public teaching or promotion of any “deviant” beliefs. Punishment can include three months imprisonment and a fine of BND 2,000.

## **Family, community and society**

National dress, including head coverings for men and women, is obligatory for all regardless of belief when attending citizenship ceremonies. Women not wearing the hijab in public face up to 6 months in prison or a \$1600 fine, or both.

Since Muslims and non-Muslims are not allowed to marry, non-Muslims must convert to Islam if they wish to marry a Muslim.

## **Freedom of expression, advocacy of humanist values**

The state of emergency declared by the Sultan of Brunei declared in 1962 continues, and allows for severe restrictions on freedom of expression, freedom of the press and the right to free assembly and freedom of association.

Independent media in Brunei is extremely limited and journalism is restricted. A 2005 amendment to the national sedition law strengthened prohibitions on criticizing the sultan and the national “Malay Muslim Monarchy” ideology. Brunei’s Internet Code of Practice limits online any content deemed subversive or encouraging of illegitimate reform efforts.

## **Apostasy and blasphemy**

Articles 213, 214 and 215 of the revised penal code criminalize printing, disseminating, importing,

broadcasting, and distributing of publications deemed contrary to Sharia. Non-Muslims are forbidden to refer to 'Allah' as their God (some Bruneian Christians do use 'Allah' where in English Christians say 'God').

In 2014, the State Mufti, Abdul Aziz Juned, declared apostasy an offence punishable by death for any Muslims who choose to disassociate themselves from the faith. The State Mufti said that those who had made blasphemous statements or performed sacrilegious actions and had not repented would be liable for a death sentence.

The penal code introduced in 2013 and implemented in full in 2019 includes death for insults to religion, and apostasy, as well as various other *hudud* crimes.