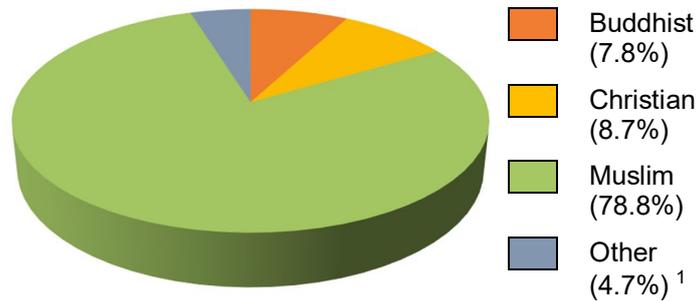


BRUNEI



Area: 5,765 km ²	Population: 413,000	Political system: Monarchy	Major Language(s): Malay, English
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Legal framework on Freedom of Religion and actual application

The sovereign state of the Nation of Brunei is located on the north coast of the island of Borneo in south-east Asia. Separated into two parts by the Sarawak district of Limbang, Brunei is the only sovereign state on the island of Borneo. The rest of the island is divided between the nations of Malaysia and Indonesia. The Bruneian Empire declined during the nineteenth century and became a British protectorate in 1888. A new constitution was written in 1959 after the Japanese occupation during the Second World War and Brunei became independent from the UK in 1984.

The estimated total population is 420,000, with the majority of citizens following Islam. Individuals' religious identities vary depending on their ethnic group. Official statistics show that Malay Bruneians, who make up 66 percent of the population, identify as Muslim. Of the Chinese community, which contributes 11 percent of the total population, 65 percent is Buddhist and 20 percent is Christian. Indigenous communities make up 4 percent of the total population and are approximately 50 percent Muslim, 15 percent Christian with the remainder following other religious beliefs, including the more traditional groups. Foreign workers from countries such as Indonesia, Malaysia and the Philippines make up the rest of the population. Statistics in 2011 stated that about half identified as Muslim, more than 25 percent as Christian and 15 percent as Buddhist.

The constitution declares the *Shafi'i* school of Sunni Islam as the state religion and the law restricts the practice of other religions although it does not totally prohibit them. Such laws tend to restrict non-Muslim groups from holding public gatherings and limit their access to religious literature. Regulations and legislation also require all organisations to register and provide the details of their members. Applicants are subject to background checks and can be refused approval for any reason. The registrar of societies supervises the application process and unregistered organisations can face fines or charges of unlawful assembly while members of unregistered groups may face fines, arrest or imprisonment if they participate. The government recognises the Catholic and Anglican Churches. There are seven Christian churches, several Chinese Buddhist or Daoist temples and two Hindu temples. House churches and gatherings in private homes are subject to regulation and unregistered churches are considered illegal sects.

In May 2014, the Sultan of Brunei announced the introduction of the first of three phases of the *Shari'a* Penal Code (SPC) to be imposed in conjunction with the existing criminal law system based on common law. The government planned to have all three phases implemented by 2016. In

a royal decree, the absolute monarch also promised the implementation of further phases, making Brunei the first country in east or south-east Asia to introduce a *Shari'a* penal code on a national level.² Phase one of the SPC involves fines or prison sentences for violations including indecent behaviour, failure to attend prayers on Fridays, and pregnancies outside of marriage and is applicable to both Muslims and non-Muslims. Brunei's decision to introduce *Shari'a* law drew widespread condemnation from international human rights groups and ignited a boycott by Hollywood celebrities of hotels owned by the government. The government did not specify when the next phase is to be introduced but noted that it would include offences in Division IV, Chapter I such as theft, adultery and apostasy, and Chapter II – murder, except for offences that could lead to the death penalty.

One of the agencies related to the inspection of religious practices is the Religious Enforcement Division under the Ministry of Religious Affairs (MORA) which led investigations into crimes relating to the SPC. Cases which do not exist in the SPC and therefore do not fall under the MORA's remit are investigated by the Royal Brunei Police Force (RBPF). The Attorney General's Chamber (AGC) is responsible for determining whether a case involving a crime covered by both the RBPF and the SPC should be prosecuted and whether it should be recorded in the *Shari'a* or civil court. According to the International Religious Freedom Report for 2014, published by the Bureau of Democracy, Human Rights and Labour, no official guidelines for the AGC's process of assessment have been made public.

The MORA also serves to "foster and promote" Islam within the country and all citizens are required to carry an identity card displaying their religion. Religious groups such as Al-Arqam, Qadiyaniah, and the Baha'i Faith are banned as they are considered deviant by the government. Any person found to be promoting or practising these faiths in public may be charged and punished with a three-month jail term and a fine of 2,000 Brunei dollars (US\$1,600). Under the SPC, propagating religions other than Islam can result in a five-year prison sentence and a fine of 20,000 Brunei dollars (US\$15,900). During the period under review there were no reports of prosecutions under these charges.

Islam is also fostered and promoted through legislation. Muslim children aged seven to 15 with at least one parent who is a citizen or permanent resident of Brunei must be enrolled in Islamic religious instruction in public or private school. Although the government continued to support the propagation of *Shafi'i* beliefs and practices in schools, parents of non-Muslim children were permitted to give them non-Islamic religious education in private. Schools can be fined if they are found to be teaching non-Islamic religious subjects.

Incidents

Non-Muslims are prohibited from proselytising to Muslims and the SPC expanded this law to people of no faith. Parental rights are given to the Muslim parent if a child is born to parents of mixed faith and the non-Muslim parent is not recognised in official documents such as the birth certificate. Chinese religious temples are permitted to celebrate seasonal religious events if the temple applies for permission annually, however in February 2015 the relevant authorities imposed strict limitations on performances. A letter circulated on social media stated that traditional Chinese performances could only take place on three days for a limited number of hours and were banned from taking place in public areas.³ Traditional Christian feast days were also restricted. The government banned public displays of Christmas and New Year's celebrations and forbade decorations. *The Diplomat* reported that Religious Enforcement officials visited several restaurants in the capital of Bandar Seri Begawan to ensure regulations were being followed. Business owners were "verbally warned" against displaying decorations that promoted anything other than Islamic beliefs.⁴

In terms of government practice, the religious freedom of non-Muslims as well as Muslims outside of the *Shafi'i* school continued to be restricted. Non-Muslims continued to be subjected to the SPC, resulting in fines and arrests for contradicting Islamic codes. The government also placed strict

controls on the import of non-Islamic religious literature and teaching materials. Such severe customs regulations were put in place as the government stated that any publication in which race or religion is described or expressed in a manner liable to cause feelings of hostility between different racial or religious groups is considered to be objectionable by the law. Written and audio-visual media material in print and for television or film is also censored.

The government also offered incentives to potential converts to the *Shafi'i* school, including monthly financial assistance, new homes, electric generators, and water pumps. These enticements were aimed at indigenous groups in rural areas in particular. Presentations sponsored by the government were held to encourage restaurants to assume halal standards and convert to Islam. During the fasting month of Ramadan, a daytime dining ban took place in 2015 for the second consecutive year regardless of the restaurant owner's religious identity. Several non-halal restaurants submitted a letter appealing for permission to serve non-Muslim customers during the season.⁵

International organisation Open Doors reported that Christians continued to face discrimination in the workplace during the period under review. Christians were absent from top positions in the government and governmental meetings commenced with a customary Muslim prayer.

In society, non-Muslims continued to come under pressure from authorities to conform to Islamic behaviour. If parents converted to Islam, any children were expected to do the same and authorities organised a range of activities intending to propagate Islam. It was reportedly almost impossible for Muslims who wished to convert to another religion to do so because of overwhelming family and societal pressure. Those who made negative comments about the SPC online received abuse and threats. Freedom House's Freedom in the World report for 2015 noted that although the government uses an informant system to monitor suspect protestors, there is an active online discussion community and social media is not censored.

Prospects for Freedom of Religion

There has been no marked change in Brunei's freedom rating according to Freedom House's Freedom in the World report. Since 2003, the country has received a freedom rating score of 5.5 out of seven – with seven being the worst possible score. The implementation of phase one of the SPC and the promise of the implementation of further phases provoked international outrage from foreign parties and activists promoting religious freedom and human rights. When the plans were first announced in 2014, the then deputy Asia director at Human Rights Watch, Phil Robertston, said the decision to roll out SPC was "an authoritarian move towards brutal medieval punishments that have no place in the modern, 21st-century world." Yet, thus far, it has not been clear how the SPC will be interpreted or put into practice against the non-Muslim population.⁶ Reports have also called into question the government's ability to enforce such legislation. There are no non-governmental organisations currently focusing on issues of religious freedom in Brunei.

¹ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

² <http://www.theguardian.com/world/2014/apr/30/sultan-brunei-sharia-penal-code-flogging-death-stoning>

³ <http://thediplomat.com/2015/02/brunei-cracks-down-on-chinese-new-year/>

⁴ <http://thediplomat.com/2014/12/bruneis-war-on-christmas/>

⁵ <http://www.channelnewsasia.com/news/asiapacific/brunei-continues-daytime/1921766.html>

⁶ <http://www.christiantoday.com/article/what.sharia.law.may.bring.for.non.muslims.in.brunei/37165.htm>