

BRUNEI 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

Although the constitution protects religious freedom, other laws and policies restrict this right, and in practice, the government generally enforced these restrictions. The government continued its longstanding policies to promote the Shafii school of Sunni Islam and to discourage other religions. Laws and policies placed restrictions on religious groups that did not adhere to the Shafii school of Sunni Islam. The trend in the government's respect for religious freedom did not change significantly during the year.

There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice. The country's religious groups generally coexisted peacefully.

The U.S. embassy repeatedly expressed its concerns at the highest levels of the public and private sectors regarding the denial of religious rights that the country's constitution specifically protects and made clear the position of the U.S. government regarding religious freedom. Embassy officials met regularly with religious leaders representing various faiths. The embassy encouraged the government to respect families' rights to determine the kind of religious education their children receive. The embassy also supported programs related to respect for religious freedom.

Section I. Religious Demography

According to the Brunei Government's mid-year 2011 statistics, the country has a total population of 422,700, including temporary residents such as foreign workers. Approximately 83 percent of the population is Muslim, 7 percent Buddhist, and less than 4 percent is a combination of other faiths, including Christians (Protestants and Catholics), Hindus, Bahais, Taoists, Sikhs, Nasranis, atheists, and others; 6 percent did not state a religious affiliation. The government categorizes Catholics as distinct from other Christians. There is an indigenous population that adheres to traditional animistic beliefs, although many have converted either to Islam or Christianity. According to the latest information available, there are 110 mosques and Islamic prayer halls, six Christian churches (three Roman Catholic, two Anglican, and one Baptist), three Chinese Buddhist temples, and one Hindu temple, all officially registered in the country. Several Christian congregations operate without registration.

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Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Although the constitution protects religious freedom, other laws and policies restrict this right. The constitution states: “The religion of Brunei Darussalam shall be the Muslim Religion according to the Shafeite sect of that religion: Provided that all other religions may be practiced in peace and harmony by the person professing them in any part of Brunei Darussalam.” Laws and policies place restrictions on religious groups that do not adhere to the Shafii school of Sunni Islam. Laws and regulations generally limit access to religious literature and public religious gatherings for non-Muslims.

The government describes the country as a Malay Islamic Monarchy and actively promotes adherence by its Muslim residents to Islamic values and traditions. The Ministry of Religious Affairs (MRA) is responsible for propagating and reinforcing Shafii beliefs and practices as well as enforcing Sharia laws, which exist alongside secular laws and apply only to Muslims. Islamic authorities organize a range of proselytizing activities and incentives to explain and propagate Islam. Among the incentives offered to prospective converts, especially those from the indigenous communities in rural areas, are monthly financial assistance, new homes, electric generators, and water pumps, as well as funds to perform the Hajj pilgrimage. If parents convert to Islam, there is often family and official pressure for the children to do the same. However, the law states that the conversion of children is not automatic and a person must be at least 14 years old to make such a commitment.

The Societies Order of 2005 requires all organizations to register and provide the names of its members. The registrar of societies oversees the application process, exercises discretion over applications, and is authorized to refuse approval for any reason. Unregistered organizations can face charges of unlawful assembly and may be subject to fines. Individuals who participate in or influence others to join unregistered organizations can be fined, arrested, and imprisoned.

The government bans several religious groups that it considers deviant, including Al-Arqam, Abdul Razak Mohammad, Al-Ma’unah, Saihoni Taispan, Tariqat Mufarridiyyah, Silat Lintau, Qadiyaniah, and the Bahai Faith. However, government statistics report that 74 individuals affiliated with the Bahai Faith

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reside in the country. Brunei media reported on November 15, 2012 that Sultan Haji Hassanal Bolkiah stated that Brunei should remain true to Islam as it was spread by the Prophet and that liberal Islam and religious pluralism are “completely unacceptable.”

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 (\$1,550).

The government continues, as a general rule, to enforce zoning laws that prohibit the use of private homes as places of worship. The prohibition applies to non-Muslims and to Muslims who belong to schools other than the Shafii school of Sunni Islam. However, there were reports that some unregistered religious groups conducted religious observances in private residences without interference from the authorities.

A 1964 fatwa issued by the state mufti strongly discourages Muslims from assisting non-Muslim organizations in propagating their faiths. The MRA reportedly used the fatwa to influence other government authorities either to deny non-Shafii religious organizations permission for a range of religious and administrative activities or not to respond to applications from these groups. Nonetheless, Christian churches and associated schools have been allowed for safety reasons to repair and renovate buildings on their sites. However, the approval process is often lengthy and difficult. Non-Shafii religious organizations encounter obstacles in establishing new places of worship.

Since the early 1990s the government has worked to reinforce the legitimacy of the hereditary monarchy and the observance of traditional and Islamic values by promoting a national ideology known as the Melayu Islam Beraja (MIB), or Malay Islamic Monarchy, claiming its superiority over other religious and social belief systems. MIB principles are the basis of civic life. All government meetings and ceremonies commence with a Muslim prayer. When attending citizenship ceremonies, non-Muslims must wear national dress, including head coverings for men and women.

The Compulsory Religious Education Order of 2012 mandates that all Muslim children aged seven to fifteen residing in the country must be enrolled in Islamic religious education. The law propagates the officially recognized Shafii sect of

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Sunni Islam and does not make accommodations for Muslims who have non-Shafii beliefs.

There is no legal requirement for women to wear head coverings in public; however, religious authorities reinforced social customs to encourage Muslim women to wear the tudong, a traditional head covering, and many women did so. In government schools and institutions of higher learning, Muslim and non-Muslim female students must wear national dress, including a head covering, as a part of their uniform. Male students are expected to wear the songkok (hat) although this is not required in all schools.

Marriage between Muslims and non-Muslims is not permitted, and non-Muslims must convert to Islam if they wish to marry a Muslim. Authorities enforce this law through the denial of official recognition of marriages between a Muslim and non-Muslim. All parental rights are awarded to the Muslim parent if a child is born to mixed-faith parents and the non-Muslim parent is not recognized in any official document, including the child's birth certificate. According to the latest government statistics available, there were 575 conversions to Islam in 2010.

In July Sultan Haji Hassanal Bolkiah approved the Shariah Penal Code Order and called for it to be implemented. At the end of the reporting period, discussions were continuing regarding how Sharia criminal law could be implemented in parallel with the existing criminal law system.

Any public assembly of five or more persons requires official approval in advance. Under longstanding emergency powers, this applies to all forms of public assembly, whether religious, political, or social.

Relevant authorities permit Chinese religious temples to celebrate seasonal religious events. However, the temples must reapply for permission annually.

Under the Emergency Order of 1999 (Islamic Family Law), Muslim women have rights similar to those of Muslim men in matters of divorce and child custody. The government's interpretation of Islamic inheritance law holds that the inheritance of female Muslims is half that of male heirs.

The government observes the following religious holidays as national holidays: Chinese New Year, Christmas Day, Eid ul-Fitr, Eid al-Adha, First Day of

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Ramadan, First Day of the Islamic Calendar, Isra Me'raj, Prophet Muhammad's Birthday, and Revelation of Al-Quran.

Government Practices

There were no reports of abuses of religious freedom and there was no change in the status of the government's respect for religious freedom during the year. The government, however, continued its restrictions on the religious freedom of non-Muslims as well as Muslims who did not belong to the Shafii school of Sunni Islam. The government continued to favor the propagation of Shafii beliefs and practices, particularly through public events and the education system. Authorities prohibited non-Muslims and non-Shafii Muslims from receiving religious education in schools, but tolerated religious education in private settings, such as the home. Non-Muslims also faced social and sometimes official pressure to conform to Islamic guidelines regarding behavior and were forbidden to proselytize. On October 25, Sultan Haji Hassanal Bolkiah ordered the closure of all businesses beginning November 2 for the two hours of Friday prayers. Officials particularly emphasized through press releases that Chinese-owned and other non-Muslim-owned businesses were also required to close or face losing their operating licenses the same as the Muslim-owned businesses. The government maintained a ban on a number of groups it considered "deviant." There were reports of harassment of clergy, opening of mail, and prohibitions on receiving religious texts for use in schools or houses of worship. In addition, government security agents reportedly monitored churches. Muslims remained subject to the government's interpretation of Sharia (Islamic law).

Despite constitutional provisions providing for religious freedom, the government restricted to varying degrees the religious practices of all religious groups other than the Shafii school of Sunni Islam. It prohibited proselytizing by any group other than the official Shafii sect. The government maintained strict customs controls on importing non-Islamic religious texts such as Bibles, as well as on Islamic religious teaching materials or scriptures intended for sale or distribution.

The government periodically warned the population about "outsiders" preaching radical Islamic fundamentalist or unorthodox beliefs and also warned Muslims against Christian evangelists.

The government routinely censored magazine articles on other faiths, blacking out or removing photographs of crucifixes and other Christian religious symbols.

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Government officials also restricted the distribution and sale of items that feature photographs of religious symbols.

There were credible reports that agents of the government's internal security department monitored religious services at Christian churches and that senior church members and leaders were under surveillance.

The government required residents to carry identity cards that stated the bearer's ethnicity, which were used in part to determine whether they were Muslim and thus subject to Sharia. Ethnic Malays traveling in the country were generally assumed to be Muslim and required to follow certain Islamic religious practices or face fines or potentially arrest and imprisonment. Non-Muslims were not held accountable to Sharia precepts, and religious authorities checked identity cards for ethnicity when conducting raids against suspected violators of Sharia. Visitors to the country were asked to identify their religion on their visa applications and foreign Muslims were subject to Sharia precepts; however, many persons did not identify their faith and were not challenged.

Authorities continued to arrest persons for offenses under Sharia, such as khalwat (close proximity between the sexes) and alcohol consumption. Although there were reports of khalwat cases of foreign workers during immigration enforcement raids, no official statistics on such cases were available. While Sharia courts do not prosecute non-Muslims for khalwat, non-Muslims can still be arrested for the offense when in close proximity to a Muslim individual. Government officials reported that in many cases, khalwat charges were dropped before prosecution due to lack of evidence. Most of those detained for a first offense were fined and released, although in previous years, some persons were imprisoned for up to four months for repeated offenses of khalwat. Men were subject to a BND 1,000 (\$775) fine and women to a BND 500 (\$385) fine if convicted of khalwat.

Religious authorities regularly participated in raids to confiscate alcoholic beverages and non-halal meats brought into the country without proper customs clearance. They also monitored restaurants and supermarkets to ensure conformity with halal practices. Restaurants and service employees that served Muslims in daylight hours during Ramadan were fined. Religious authorities allowed non-halal restaurants and non-halal sections in supermarkets to operate without interference.

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The Ministry of Education (MOE) required courses on Islam and the MIB in all schools that adhered to the state curriculum. Most school textbooks were illustrated to portray Islam as the norm and women and girls were shown wearing the Islamic head covering. There were no depictions of other religions' practices in textbooks. The MOE prohibited the teaching of other religions and comparative religious studies. Religious education is mandatory for Muslim students, including in private schools. Ugama instruction (a six-year course that teaches Sunni Islam according to the Shafii school) is mandatory on an extracurricular, after-hours basis for Muslim students. Muslim parents who fail to enroll their children in religious school face a BND 5,000 (\$4,000) fine.

Schools, including private schools, could be fined or school officials imprisoned for teaching non-Islamic religious subjects. In previous years, Christian students at a private school offering Islamic instruction during regular school hours were allowed to attend Christian religious instruction during periods when Muslim students received Islamic instruction. The government has not revised its position regarding the teaching of non-Islamic religious courses to non-Islamic students.

The government issued guidance for the start of the 2012 school year that required all schools following the national curriculum to provide students mandatory Islamic Religious Knowledge education taught by government certified Islamic studies teachers.

Muslims may convert legally to another religion; however, they often faced significant official and societal pressure not to convert. Permission from the MRA must be obtained before converting from Islam. News reports from the March Legislative Council discussions highlighted that the Ministry of Religious Affairs is considering a law on apostasy (conversion from Islam). Reports indicated that some Muslims worried that, if they converted to another religion, they would not be able to live in Brunei for fear of prosecution under the Sharia Penal Code Order of 2012.

Section III. Status of Societal Respect for Religious Freedom

There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice; however, the country's religious groups generally coexisted peacefully. The fact that proselytizing was banned for any faith other than Shafii Islam suggested that there were societal pressures against Muslims converting to other faiths. Anecdotal reports indicated that some Muslims who

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might otherwise have converted to another religion feared social retribution, such as ostracism by friends, family, and their community.

Section IV. U.S. Government Policy

The ambassador and other embassy officers continued a dialogue on religious freedom with government officials at all levels and with representatives of all religious groups. Embassy representatives continued to encourage the government to adhere to the provisions of its constitution and declarations on human rights. Embassy officials promoted religious freedom through discussions with senior government and religious leaders and expressed concern regarding restrictions on religious freedom in the country. In its interactions with the government, the embassy advocated that families should be free to determine what kind of religious education their children receive. The embassy maintained relationships with religious leaders and made clear the commitment of the U.S. government to promote religious freedom. The embassy also supported religious freedom through exchange programs, which encouraged students to participate in research about religious life in other countries and to discuss religion and religious freedom with individuals of other faiths. Embassy and U.S. government officials visited places of worship, spoke with religious leaders of various faiths, and facilitated discussions on religious freedom issues, including trends among congregations, obstacles to practicing religions and beliefs other than Shafii Islam, new laws and policies affecting religious freedom, and Sharia law.