

BRUNEI 2013 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 Shafi'i school of Sunni Islam and to discourage other forms of religious observance. Laws and policies placed restrictions on religious groups that did not adhere to the Shafi'i school. A penal code order published in October and based on Sharia (Islamic law) includes provisions that impact the legal structure governing religious freedom, but the effect of the law will not be clear until it is implemented, which is scheduled to begin in phases starting in April 2014.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Religious groups generally coexisted peacefully. Uncertainty over how the new laws will be implemented led to public discussion among Muslims and non-Muslims alike. Many expressed concern over potential religious intolerance while some defended the new laws and suggested that those who did not wish to live under Islamic law should leave the country.

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 religious groups. 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. In response to the announcement of the new laws, the embassy has raised questions with the government on how the laws can be implemented in a manner consistent with human rights and religious freedom.

Section I. Religious Demography

The U.S. government estimates the total population at 416,000 (July 2013 estimate). Approximately 67 percent of the population is Muslim, 13 percent Buddhist, 10 percent Christian, while the remaining 10 percent consists of Hindus, Bahais, Taoists, Sikhs, Nasranis, atheists, and others. There is an indigenous population that adheres to traditional animistic beliefs, although many have converted either to Islam or Christianity.

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There is significant variation in religious identification among ethnic groups. According to official statistics, ethnically Malay Bruneians, who are 66 percent of the population, universally are Muslims. This is considered to be an inherited status according to a 2013 lecture by a former minister of education. A majority (65 percent) of the Chinese population, which is about 11 percent of the total population and includes both citizens and permanent residents, is Buddhist, and 20 percent is Christian. Indigenous tribes such as Dusun, Bisaya, and Murut make up about 4 percent of the population and are roughly 50 percent Muslim, 15 percent Christian, and the remainder other religious groups, including adherents of traditional practices, which are recognized by the government. The remaining one quarter of the population includes foreign-born workers, primarily from Indonesia, Malaysia, the Philippines, South Asia, and stateless residents. According to official statistics from 2011, about half of these temporary and permanent residents are Muslim, more than one quarter Christian, and 15 percent Buddhist.

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 that the religion of the country shall be the Shafi'i school of Sunni Islam but allows all other religions to be practiced in peace and harmony by the person professing them in any part of the country. Laws and policies place restrictions on religious groups that do not adhere to the Shafi'i school. Laws and regulations generally limit access to religious literature and public religious gatherings for non-Muslims.

The Sharia (Shyariah) Penal Code Order, published in October, introduced a number of new or changed laws that, while not yet implemented, significantly affect the legal structures governing religious freedom in the country. These include new, expanded, or more severe restrictions on the right of individuals to hold or change their religious beliefs; on "offensive" speech, such as deriding the Quran; and on religious expression, including religious teaching without written approval, proselytism, religious publishing, and the ability to speak freely about one's religious beliefs. Some elements of the order are similar to earlier laws, but others are new or are applicable to a larger portion of the population, including both Muslims and non-Muslims in many cases. The new laws feature more severe penalties, including the death penalty, for example, in cases of adultery or mocking the Prophet Muhammed. The laws are scheduled to be implemented in stages

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beginning in April 2014. The manner and method of implementation of the new law, which exists in parallel with and overlaps the existing common law, is not yet clear.

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 (MORA) is responsible for propagating and reinforcing Shafi'i beliefs and practices as well as enforcing Sharia laws. It is not yet clear how MORA and the attorney general's office will coordinate the Sharia Penal Code Order and common law enforcement once the new laws are implemented.

Under the current law, Muslims may convert legally to another religion but must first obtain permission from the MORA. The Sharia Penal Code Order criminalizes apostasy from Islam without prior approval, with a possible death penalty for those who do not repent. 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 law requires all organizations to register and provide the names of their 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 are 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. Anyone who teaches or promotes any "deviant" beliefs or practices in public may be charged under the current law and punished with three months' incarceration and a fine of BND 2,000 (\$1,595). The Sharia Penal Code Order, depending on implementation, significantly expands the scope of this law and the potential punishment for conviction. For crimes such as propagating religions other than Islam the penalty is five years in prison and a fine of BND 20,000 (\$15,950).

A fatwa issued by the state mufti strongly discourages Muslims from assisting non-Muslim religious groups in propagating their faiths. The MORA reportedly uses the fatwa to influence other government authorities either to deny non-Shafi'i religious groups permission for a range of religious and administrative activities or

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not to respond to applications from these groups. Christian churches and associated schools have been allowed, for safety reasons, to repair and renovate buildings on their sites, but the approval process is often lengthy and difficult.

The government reinforces 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 the local national dress, including head coverings for men and women.

The law mandates that all Muslim children aged seven to fifteen residing in the country must be enrolled in Islamic religious education, including in private schools. The law propagates the officially recognized Shafi'i school and does not make accommodations for Muslims who have non-Shafi'i beliefs. *Ugama* instruction (a six-year course that teaches Sunni Islam according to the Shafi'i 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, can be fined or school officials imprisoned for teaching non-Islamic religious subjects. The Sharia Penal Code Order criminalizes exposing Muslim children or the children of parents who have no religion to the beliefs and practices of any religion other than Islam. The order also requires practitioners to receive official permission before teaching any matter relating to Islam.

There is no legal requirement for women to wear head coverings in public; however, religious authorities reinforce social customs to encourage Muslim women to wear the *tudong*, a traditional head covering, and many women do so. In government schools and institutions of higher learning, Muslim and non-Muslim female students must wear the local 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.

Legal contacts report that if a Muslim tries to marry a non-Muslim, the officiant will require the non-Muslim to convert.

All parental rights are awarded to the Muslim parent if a child is born to

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mixed-faith parents and the non-Muslim parent is not recognized in any official document, including the child's birth certificate.

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. The temples, however, must reapply for permission annually.

Government Practices

The government continued its restrictions on the religious freedom of non-Muslims as well as Muslims who did not belong to the Shafi'i school.

In June Pg Hj Abdul Rahman Pg Hj Omar publicly repented writing letters to the editor of the Borneo Bulletin newspaper in which he expressed the idea that the Quran calls for adulterers to be punished by flogging rather than by stoning (the punishment stipulated in the Sharia Penal Code Order) and suggested a contradiction between the Quran and later Islamic writings (*hadith*). Press coverage stated his declaration of repentance, made in the presence of Sharia court judges, came after he had "been given an explanation by the religious authority in this country, with the cooperation of the Internal Security Department." The nature of Internal Security Department cooperation was not specified. Prominent coverage in all local media noted he could have been charged under the law but that religious authorities were currently focused on education.

The government enforced business hour restrictions for all businesses, requiring that they close for the two hours of Friday prayers.

MORA issued a ruling that Muslim-owned eateries could not serve food to Muslims or non-Muslims for dine-in consumption during the fasting hours of Ramadan. The ruling was not enforced during the year but a similar and expanded rule is included in the Sharia Penal Code Order.

The government generally continued to enforce zoning laws that prohibited the use of private homes as places of worship. The prohibition applied to non-Muslims and to Muslims who belonged to schools other than the Shafi'i school. However, there were reports that some unregistered religious groups conducted religious observances in private residences without interference from the authorities.

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There were reports of harassment of clergy, opening of mail, and prohibitions on receiving religious texts for use in houses of worship. In addition, government security agents reportedly monitored churches and senior church leaders. 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 routinely censored magazine articles on non-Islamic religious groups, blacking out or removing photographs of crucifixes and other Christian religious symbols and restricting the distribution and sale of items that featured photographs of religious symbols.

The government prohibited proselytizing by any group other than the official Shafi'i school. It periodically warned the population about "outsiders" preaching non-Shafi'i versions of Islam, including both "liberal" practices and those associated with jihadism or Salafism.

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 in force, 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 involving foreign workers during immigration enforcement raids, no official statistics on such cases were available. While under current law Sharia courts did not prosecute for *khalwat* in cases that only involved non-Muslims, non-Muslims could still be arrested for the offense when in close proximity to a Muslim individual. Government officials reported that in many cases, authorities dropped *khalwat* charges before prosecution due to lack of evidence. Most of those detained for a first offense were fined and released, although in previous years, authorities imprisoned some persons for up to four

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months for repeated offenses of *khalwat*. Men were subject to a BND 1,000 (\$797) fine and women to a BND 500 (\$400) 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, but held public outreach sessions to encourage restaurants to become halal.

The Ministry of Education (MOE) required courses on Islam and 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 the practices of other religious groups in textbooks. The MOE prohibited the teaching of other religions and comparative religious studies in schools.

The government continued to favor the propagation of Shafi'i beliefs and practices, particularly through public events and the education system. Authorities prohibited non-Muslims and non-Shafi'i Muslims from receiving religious education in schools, but tolerated religious education in private settings, such as the home. The government sometimes pressured non-Muslims to conform to Islamic guidelines.

Section III. Status of Societal Respect for Religious Freedom

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

Non-Muslims faced social pressure to conform to Islamic guidelines regarding behavior. Islamic authorities organized 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, were monthly financial assistance, new homes, electric generators, and water pumps, as well as funds to perform the Hajj pilgrimage. If parents converted to Islam, there was often family and official pressure for the children to do the same.

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Anecdotal reports indicated that some Muslims who wished to convert to another religion feared social retribution, such as ostracism by friends, family, and their community. Online discussion of the Sharia Penal Code Order included self-identified Bruneians expressing concern, with others defending it by saying that the country is an Islamic nation and that those who did not wish to live under the new laws should leave. Reports indicated that some families of mixed religions were considering leaving the country in advance of the code's implementation.

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. The embassy advocated that families should be free to determine what kind of religious education their children receive. 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 other U.S. government officials visited places of worship, spoke with leaders of various religious groups, and facilitated discussions on religious freedom issues, including trends among congregations, obstacles to practicing religions and beliefs other than Shafi'i Islam, new laws and policies affecting religious freedom, and Sharia law. Embassy officials engaged legal, religious, and political leaders on questions of how the Sharia Penal Code Order can be implemented in accordance with human rights and religious freedom principles.