BRUNEI 2020 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution states that while the official religion is the Shafi'i School of Islam, all other religions may be practiced "in peace and harmony." The government enforces the Sharia Penal Code (SPC), which includes offenses, such as apostasy and blasphemy, punishable by corporal and capital punishment, including stoning to death, amputation of hands or feet, and caning. A 2019 de facto moratorium on the death penalty continued during the year. The SPC, which is in force in parallel with the common-law-based secular penal code, applies to both Muslims and non-Muslims, including foreigners, with non-Muslims exempted from certain sections. Under the SPC, the Royal Brunei Police Force (RBPF) and Religious Enforcement Division officers cooperate on investigations of crimes covered by both secular law and sharia. The government permitted Shafi'i Muslims and members of non-Muslim religious minorities to practice their faiths but continued its official ban of religious groups it considers "deviant," including Ahmadi Islam, the Baha'i Faith, and Jehovah's Witnesses. The government did not ratify the United Nations Convention against Torture (UNCAT), which it signed in 2015 following widespread condemnation of the government's implementation of the first phase of the SPC order in 2014, but the Foreign Minister reported the ratification process was ongoing. Ministry of Religious Affairs (MORA) enforcement officers deported a U.S. citizen in February for publicly proselytizing for a religion other than Islam. Non-Muslims and members of Muslim minorities reported no significant changes with respect to the practice of minority religions since the full implementation of the SPC in 2019 but noted that the law continued to impose restrictions on the ability of non-Muslims to proselytize to other non-Muslims. In March, the government announced that all places of worship would be closed to counter the spread of COVID-19. Some observers noted MORA neglected to announce the reopening of non-Islamic houses of worship when it announced the reopening of the country's mosques in June, instead relying on the Ministry of Health to pass on the information. In September, the Sultan publicly reprimanded MORA for the slow pace of proselytizing in the country's rural districts, where indigenous religious beliefs are prevalent, and for budget mismanagement. Members of the LGBTI community reported that MORA summoned transgender individuals to its offices and demanded that they maintain the gender listed on their birth certificate, although no threats of punishment were made in any of the reported cases. The government continued to prohibit non-Muslims from proselytizing among Muslims or persons with no religious affiliation.

Non-Muslims and Muslims faced social pressure to conform to Islamic guidelines regarding behavior. In discussions of religion and religious freedom on social media, which were less prevalent than after introduction of the SPC in 2019, some Muslims and non-Muslims posted comments asking whether adhering so closely to Islam, the Malay Islamic Monarchy (MIB) national philosophy, and MORA's policies was slowing the country's development, and whether the large amount of required religious education was impeding secular academic studies. Anecdotal reports indicated that some Muslims and Christians who wished to convert to another religion feared social retribution, such as ostracism by friends, family, and their community. Numerous individuals from throughout society praised the announcement that Roman Catholic Bishop Cornelius Sim had been created a Cardinal.

The *Charge d'Affaires* and other embassy officers engaged throughout the year with senior government officials regarding the effects of the SPC, the ratification of UNCAT, and the protection of minority rights. The Charge d'Affaires also encouraged MORA to support religious freedom by resuming interfaith dialogues with religious minorities. Embassy officials emphasized U.S. support for religious freedom and encouraged religious minority groups to maintain communication with the embassy. U.S. officials continued to coordinate with other governments, including Australia and the United Kingdom, regarding shared concerns about the SPC. Embassy officials visited places of worship, spoke with leaders of various religious groups, and facilitated discussions on the SPC and laws and policies affecting religious freedom in the country, including sharia and obstacles to practicing religions and beliefs other than Shafi'i Islam.

Section I. Religious Demography

The U.S. government estimates the total population at 464,000 (midyear 2020 estimate). According to the 2011 census (the most recent), 78.8 percent of the population is Muslim, 8.7 percent Christian, and 7.8 percent Buddhist, while the remaining 4.7 percent consists of other religions, including indigenous beliefs.

There is significant variation in religious identification among ethnic groups. According to 2019 official statistics (the most recent), ethnic Malay citizens comprise 66 percent of the population and are defined by law as Muslims from birth. The ethnic Chinese population, which is approximately 10 percent of the total population and includes both citizens and stateless permanent residents, is 65 percent Buddhist and 20 percent Christian. Indigenous tribes, such as Dusun, Bisaya, Murut, and Iban, make up approximately four percent of the population

and are estimated to be 50 percent Muslim, 15 percent Christian, and the remainder followers of other religious groups, including adherents of traditional practices. The remaining 20 percent of the population includes foreign-born workers, primarily from Indonesia, Malaysia, the Philippines, and other South Asian countries. According to official statistics, approximately 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 Framework

The constitution states 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 persons professing them.

The legal system is divided between secular law and sharia, which have parallel systems of both criminal and civil/family law and operate separate courts under a single judiciary department. The civil courts are based on common law. The sharia courts follow the Shafi'i school of Islamic jurisprudence, in which there is no concept of legal precedent and judges are not bound by the decisions of a higher court. Sharia courts have jurisdiction over both criminal law and civil/family matters involving Muslims and hear cases brought under longstanding sharia legislation as well as under the SPC.

The SPC spells out provisions for corporal and capital punishment for murder, theft, adultery, rape, sodomy, apostasy, blasphemy, and other acts deemed crimes under sharia. Depending on the type and specifics of the offense, these punishments include fines, imprisonment, whipping, caning, amputation of hands or feet, or death (including by stoning). The SPC identifies murder, adultery, rape, sodomy, apostasy, and blasphemy as capital offenses, although the law requires either a confession or the testimony of multiple pious Muslim male eyewitnesses to support a death sentence. A *de facto* moratorium on the death penalty, announced by the Sultan in 2019, continued during the year.

Most SPC sections apply to both Muslims and non-Muslims, including foreigners, and are applicable to offenses committed outside the country by citizens or permanent residents. Non-Muslims are exempt from certain sections, such as requirements for men to join Friday prayers and pay *zakat* (obligatory annual

almsgiving). The SPC states that Muslims will be identified for purposes of the law by "general reputation."

The SPC incorporates longstanding domestic laws based on sharia that prohibit drinking alcohol, propagating religions other than Islam, eating in public during the fasting hours of Ramadan, cross-dressing, and close physical proximity between unmarried persons of the opposite sex. It prohibits "indecent behavior," including pregnancies out of wedlock, and criminalizes any act that "tends to tarnish the image of Islam, deprave a person, bring bad influence, or cause anger to the person who is likely to have seen the act."

Punishments included under the SPC have different standards of proof from the common law-based penal code, such as requiring four pious men to witness personally an act of fornication to support a sentence of stoning. Stoning sentences, however, may be supported by a confession in lieu of witness testimony at the discretion of a sharia judge. If neither qualifying testimony nor a confession is available, the possible sentences are limited to caning, imprisonment, and fines.

The government describes its official national philosophy as Melayu Islam Beraja (MIB), or Malay Islamic Monarchy, which it defines as "a system that encompasses strong Malay cultural influences, stressing the importance of Islam in daily life and governance, and respect for the monarchy as represented by His Majesty the Sultan." The government has said this system is essential to the country's way of life and is its main defense against "extremism." A government body, the MIB Supreme Council, seeks to spread and strengthen the MIB philosophy and ensure MIB is enshrined in the nation's laws and policies. MIB is a compulsory subject for students in both public and private schools, including at the university level.

The Religious Enforcement Division under MORA leads investigations of crimes that exist only in the SPC and other sharia legislation, such as male Muslims failing to pray on Fridays. Cases involving crimes that are not covered by sharia legislation, such as human trafficking, are investigated by the RBPF. RBPF and Religious Enforcement Division officers cooperate on investigations of crimes covered by both the secular and sharia laws. In such cases, an "assessment committee" composed of secular and sharia prosecutors and secular and sharia law enforcement officers decides which court system will try the case. The deliberations of the assessment committee to determine whether specific cases would proceed through secular or sharia court are not public, and the government does not make public the committee's bases for its decisions.

The government bans religious groups it considers "deviant," including the Ahmadiyya Muslim Community, al-Arqam, Abdul Razak Mohammad, al-Ma'unah, Saihoni Tasipan, Tariqat Mufarridiyyah, Silat Lintau, Qadiyaniah, the Baha'i Faith, and Jehovah's Witnesses. The list is based on *fatwas* proclaimed by the state mufti or the Islamic Religious Council – a government body and the Sultan's highest authority on matters on Islam – and is available on MORA's website. The SPC also bans most non-Sunni forms of Islam and any practice or display of "black magic."

The SPC includes a list of words and expressions, including the word "Allah," reserved for use by only Muslims or in relation to Islam. MORA officials state that the use of certain words such as "Allah" by non-Muslims does not constitute an SPC offense when used in a nonreligious context or social activity.

Under the SPC, Muslims are not permitted to renounce or change their religion. Non-Muslims must be at least 14 years and seven months old to convert or renounce their religion. If parents convert to Islam, their children younger than 14 years and seven months automatically become Muslim.

The law requires all organizations, including religious groups, to register and provide the names of their members. Applicants are subject to background checks for leaders and board members, and proposed organizations are subject to naming requirements. Registered organizations must furnish information on leadership, election of officers, members, assets, activities, and any other information requested by the registrar. Benefits of registration include the ability to operate, reserve space in public buildings, and apply for permission to raise funds. The registrar of societies oversees the application process, exercises discretion over applications, and is authorized to refuse approval for any reason. Organizations are prohibited from affiliation with any organization outside the country without written approval by the registrar. Unregistered organizations may face charges of unlawful assembly and may be subject to fines. Individuals who participate in or influence others to join unregistered organizations may be fined, arrested, and imprisoned. The penalty for violating laws on the registration and activity of organizations is a fine of up to 10,000 Brunei dollars (BND) ($7,600), imprisonment for up to three years, or both.

The law states that 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, including religious assembly. In practice, however,

places of worship are viewed as private places in which gatherings do not require approval.

The law forbids the teaching or promotion of any religion other than Islam to Muslims or to persons of no faith. Under the SPC, the penalty for propagating religions other than Islam is up to five years in prison, a fine of up to 20,000 BND ($15,100), or both. The SPC includes a provision that makes it illegal to criticize Islam as well as the SPC itself.

Laws and regulations limit access to religious literature. The law states it is an offense for a person to import any publication deemed objectionable, which is defined in part as describing, depicting, or expressing matters of race or religion in a manner likely to cause "feelings of enmity, hatred, ill will, or hostility between different racial or religious groups." The law also bans distributing materials relating to religions other than Islam to Muslims or persons of no faith.

The law establishes two sets of schools: those offering the national or international curriculum that are administered by the Ministry of Education, and those offering supplemental religious education (*ugama*) that are administered by MORA.

Ministry of Education schools are required to teach a course on Islamic religious knowledge that is required for all Muslim children between the ages of seven and 15 who reside in the country and who have at least one parent who is a citizen or permanent resident. Non-Muslims are exempted from all religious study requirements and receive teaching on moral behavior. Non-Muslim students are still required to take MIB classes.

Ugama instruction in MORA schools is a seven-to-eight-year course that teaches the day-to-day practice of Sunni Islam according to the Shafi'i school. Under a 2012 government order, ugama instruction is mandatory for Muslim students between the age of seven and 14 who hold citizenship or permanent residency; many students attend ugama schools in the afternoon after Ministry of Education schools have adjourned. Parents may be fined up to 5,000 BND ($3,800), imprisoned for a term not exceeding one year, or both for failure to comply with the order. The law does not make accommodations for Muslims who have non-Shafi'i beliefs. MORA also administers a set of schools taught in Arabic that offer the national curriculum combined with ugama religious education.

Public and private schools, including private schools run by churches, are prohibited from providing religious instruction in beliefs other than the Shafi'i

school of Islam as part of the school's curriculum. Schools may be fined or school officials imprisoned for teaching non-Islamic religious subjects. The SPC criminalizes exposing Muslim children or the children of parents who have no religious affiliation to the beliefs and practices of any religion other than Islam. The law requires that any person wishing to teach on matters relating to Islam must obtain official permission. Churches and religious schools are permitted to offer private religious education in private settings, such as someone's home.

All parental rights are awarded to the Muslim parent if a child is born to parents who are not both Muslim. The non-Muslim parent is not recognized in any official document, including the child's birth certificate, unless that parent has converted to Islam. The law bans any Muslim from surrendering custody of a minor or dependent in his or her guardianship to a non-Muslim.

Under the SPC, non-Muslims may be arrested for *zina* (fornication or adultery) or *khalwat* (close physical proximity between two unmarried individuals of opposite sexes), provided that the other accused party is Muslim. Foreigners are also subject to these laws.

A regulation requires businesses that produce, supply, and serve food and beverages to obtain a halal certificate or apply for an exemption if serving non-Muslims.

MORA has declared circumcision for Muslim girls (*sunat*) a religious rite obligatory under Islam and describes it as the removal of the hood of the clitoris (Type I per World Health Organization classification). The government has stated it does not consider this practice to be female genital mutilation/cutting (FGM/C) and has expressed support for the World Health Organization's call for the elimination of FGM/C. In his 2017 fatwas, the State Mufti declared that both male and female circumcision are required and specified that female circumcision involves a "small cut above the vagina."

The country is not a party to the International Covenant on Civil and Political Rights.

Government Practices

MORA enforcement officers deported a U.S. citizen in February for publicly proselytizing for a religion other than Islam, an offense that under the SPC is punishable by a fine not exceeding 20,000 BND ($15,100), imprisonment for a

term not exceeding five years, or both. The head of MORA's Enforcement Division stated that MORA officers followed a precedent set by a past proselytizing case, which had also resulted in deportation, but he also said that maintaining good relations with the United States was a factor in the decision to deport the man instead of arresting him.

The government did not ratify the UNCAT, which it signed in 2015 following widespread condemnation of the government's implementation of the first phase of the SPC order in 2014. The Foreign Minister reported, however, that the government was in the ratification process.

In March, the Sharia High Court issued its first verdict in a case of "causing hurt" – an offense under the SPC roughly equivalent to assault. The court sentenced the accused, a Bruneian Muslim man, to five years' imprisonment, and for the first time since the implementation of the SPC, the judge ordered the accused to pay "blood money" of 91,516 BND ($69,200) to compensate the victim.

In January, a sharia judge dropped the 2019 case of two Vietnamese men who were the first non-Muslim foreigners to be charged in the sharia courts for "causing hurt" after both parties reached an out-of-court settlement.

In April, all sharia courts ceased operations due to the COVID-19 outbreak. In July, sharia courts resumed operations mostly to hear routine cases of theft and *khalwat*.

Non-Muslims continued to note that the SPC imposed restrictions on the ability of non-Muslims to proselytize to other non-Muslims. The government continued to prohibit non-Muslims from proselytizing among Muslims or persons with no religious affiliation. Some non-Muslims described the existence of the SPC itself as a "scare tactic" that, alongside other government policies, would pressure non-Muslims to convert to Islam. They noted the SPC's blasphemy provisions could be used to constrain non-Muslim groups' activities but expressed greater concern about subtle pressure by the government than about the possibility of harsh sharia punishments.

In March, the government announced that all places of worship would be closed to counter the spread of COVID-19. Senior members of minority religions reported good communications from the Ministry of Health about the rules for closing and reopening churches and places of worship. Some observers noted MORA neglected to announce the reopening of non-Islamic houses of worship when it

announced the reopening of the country's mosques in June, instead relying on the Ministry of Health to pass on the information, which it did soon after.

The government periodically warned the population about the preaching of non-Shafi'i versions of Islam, including both "liberal" practices and those associated with jihadism, Wahhabism, or Salafism. It permitted Shafi'i Muslims and members of non-Muslim religious minorities to practice their faiths, including by permitting non-Islamic churches to operate and allowing non-Muslim religious minorities to gather in private churches.

MORA continued to provide all mosques with approved sermons for Friday services. The government required that the sermons be delivered by registered imams, and deviance from the approved text was forbidden. Government data from 2015, the latest available, indicated there were 99 registered mosques.

There was no legal requirement for women to wear head coverings in public; however, religious authorities continued to reinforce social customs to encourage Muslim women to wear a head covering (known locally as a *tudong*), and many women did so. When applying for passports, drivers' licenses, and national identity cards, Muslim females were required to wear a tudong. Muslim women employed by the government were expected to wear a tudong to work, although some chose not to with no reports of official repercussions. In government schools and institutions of higher learning, Muslim female students were required to wear a uniform that includes a head covering. Male students were expected to wear the *songkok* (a traditional hat), although this was not required in all schools. Women who were incarcerated, including non-Muslims, were required to wear a uniform that included a tudong.

As in past years, the government limited traditional Lunar New Year lion dance performances to a three-day period and restricted them to the country's sole Chinese Buddhist temple, Chinese school halls, and private residencies of Chinese Association members. Members of the royal family publicly attended Lunar New Year celebrations and lion dance performances during the allowed period, with front-page coverage in state-influenced media.

In December, the human rights NGO Jubilee Campaign wrote to the U.S. Secretary of State to report that MORA sent officials to ensure that a ban on Christmas decorations was enforced around the country. In practice, however, people were able to celebrate Christmas and decorate their private residences. There were no reports of shops or restaurants being warned by MORA for displaying decorations.

The government continued to enforce strict customs controls on importing non-Islamic religious texts such as Bibles, as well as on Islamic instructional materials or scriptures intended for sale or distribution. Authorities generally continued to ban the import of non-Islamic religious texts, and the censorship board continued to review Islamic texts to ensure they did not contain text that deviated from the Shafi'i school of Islam. Customs officials continued to check personal packages entering the country to ensure they did not contain anything of a non-Shafi'i Islamic or perceived sexual nature, such as magazines showing women in swimsuits.

Christian leaders continued to state that a longstanding fatwa discouraging Muslims from supporting non-Islamic faiths inhibited the expansion, renovation, or construction of new facilities; in accordance with the fatwa, government officials slowed or did not process building plans and permits for churches. Christian religious groups said that authorities generally only permitted churches and associated schools to repair and renovate buildings on their sites if required for safety. The process for obtaining approval to renovate church buildings and associated school buildings remained lengthy and difficult, and there were continuing reports of the government stalling new construction projects for not meeting the complicated requirements. With only six approved churches in the country, the last built in the 1960s before the country gained independence, facilities were often too small to accommodate their congregations without significant overflow seating outdoors. Several sources reported that schools associated with Christian churches had to pay government business taxes despite being nonprofit organizations. This measure was not applied to other nonprofit private schools with no religious affiliations. The Chinese temple was also subject to the same fatwa. Christian worshippers continued to report difficulty accessing churches on many Sundays because of road closures by the government for official events, with some services being rescheduled.

The government reported that many non-Muslim children elected to take courses on Islam. Reportedly, those applying for government-funded scholarships believed having such courses on their transcripts could be advantageous. Most school textbooks were illustrated to portray Islam as the norm, and women and girls were shown wearing the tudong. There were no depictions of the practices of other religious groups in textbooks.

Authorities continued to prohibit non-Muslims and non-Shafi'i Muslims from receiving non-Shafi'i religious education in schools. All church-associated schools were recognized by the Ministry of Education and remained open to students of

any religion, although they were not permitted to offer religious instruction other than for Shafi'i Islam.

Due to the COVID-19 pandemic, there were no warnings in the press to local restaurants not to serve dine-in customers during fasting hours for Ramadan as in past years. Throughout the year, the government enforced restrictions requiring all businesses to close for the two hours of Friday prayers.

Religious authorities allowed nonhalal restaurants and nonhalal sections in supermarkets to operate without interference, but they continued to hold public outreach sessions to encourage restaurants to become halal.

The government continued to offer incentives to prospective converts to Islam and the Shafi'i school, especially those from indigenous communities in rural areas, including help with housing and welfare assistance. The government allocated travel funding so that those who could not participate in the Hajj due to COVID-19 travel restrictions during the year could do so in the future. The government gave presentations on the benefits of converting to Islam that received extensive press coverage in state-influenced media. According to government statistics, 293 individuals converted to Islam during the year, approximately the same as the previous year. Converts included citizens and permanent residents as well as foreigners. Government policy supported Islam through the national MIB philosophy as well as through government pledges to make the country a *zikir* nation (one that remembers and obeys Allah).

In a rare instance, during a surprise inspection in September, the Sultan publicly admonished MORA for the slow pace of Muslim proselytization in the rural districts, budget shortfalls, general poor performance, and poor management of the *zakat* (annual almsgiving) fund.

Members of the LGBTI community reported in September that MORA summoned transsexual individuals to its offices and demanded that they maintain the gender listed on their birth certificate, although no threats of punishment were made in any of these reported cases. Other members of the LGBTI community reported family members had been contacted by MORA and questioned on the individuals' sexuality.

Despite the absence of a legal prohibition of Muslims marrying non-Muslims, all Muslim weddings required approval from the sharia courts, and officiants, who

were required to be imams approved by the government, required the non-Muslim party to convert prior to the marriage.

Most government meetings and ceremonies commenced with an Islamic prayer, which the government continued to state was not a legal requirement but a matter of custom.

The government required residents to carry identity cards that stated the bearer's ethnicity and were used in part to determine whether he or she were Muslim; for example, all ethnic Malays, including those traveling in the country, were assumed to be Muslim. Malays were required to follow certain Islamic religious practices or potentially face fines, arrest, and imprisonment. Visitors to the country were asked to identify their religion on their visa applications.

Section III. Status of Societal Respect for Religious Freedom

Non-Muslims and Muslims faced social pressure to conform to Islamic guidelines regarding behavior. Some male members of the Islamic community reportedly felt pressure from family and friends to attend Friday prayers despite not having strong religious beliefs. Members of the LGBTI community expressed fears about openly expressing their sexual or gender identity, since they believed it would bring shame on their families for violating religious mores.

The local press reported in November the announcement from the Holy See that the Apostolic Vicar of Brunei, Bishop Cornelius Sim, had been created a Cardinal. On social media, a cross-section of society praised the move. The government made no statement about Sim's elevation.

In discussions of religion and religious freedom on social media, which were less prevalent than after introduction of the SPC in 2019, some Muslims and non-Muslims posted comments asking whether adhering so closely to Islam, the MIB national philosophy, and MORA's policies was slowing the country's development and whether the large amount of required religious education was impeding secular academic studies. Social media outlets such as Reddit and Facebook remained the only source of open public discussion on religion and the government.

Anecdotal reports indicated that some Muslims and Christians who wished to convert to another religion continued to fear social retribution, such as ostracism by friends, family, and their community. If parents converted to Islam, there was often family and official pressure for the children to do the same if they were not

young enough to have been automatically converted with their parents. Some non-Muslims said they continued to feel pressured in the workplace or in social groups to convert to Islam. While the SPC outlined harsh punishments for converting to another religion from Islam, there were no known cases of the government applying those penalties. Non-Muslims reported, however, that government officials observed their religious services and events to ensure that no Muslims attended and that there was no anti-Muslim messaging.

Section IV. U.S. Government Policy and Engagement

Throughout the year, the Charge d'Affaires and other embassy officers engaged senior government officials regarding the effects of the SPC, the ratification of UNCAT, and the protection of minority rights. In these engagements, the Charge d'Affaires and other officers highlighted U.S. concerns regarding the harsh and degrading punishments included in the SPC, the criminalization of same-sex activity, and the law's impact on the freedom to change or disseminate religious beliefs. The Charge d'Affaires also encouraged MORA to support religious freedom by resuming interfaith dialogues with religious minorities.

The Charge d'Affaires and other embassy officials frequently met with government and religious leaders to discuss the concerns of religious minorities regarding the implications of the SPC for the non-Muslim community and the limitations placed on the open practice of other religions. Embassy officials emphasized U.S. support for religious freedom and encouraged religious minority groups to maintain communication with the embassy.

U.S. officials continued to coordinate with other governments, including Australia and the United Kingdom, regarding shared concerns about the SPC. Embassy officials visited places of worship, spoke with leaders of various religious groups, and facilitated discussions on the SPC and laws and policies affecting religious freedom in the country, including sharia and obstacles to practicing religions and beliefs other than Shafi'i Islam.