

Country Updates on Human Rights and Democracy 2018

Brunei Darussalam

1. Overview of the human rights and democracy situation: Brunei Darussalam is a de facto absolute monarchy ruled by the Sultan as the Head of State and Government with full executive powers, a position he has held since 1967. The legal system is based on British common law, with a parallel sharia law system applying to Muslims and non-Muslims. Following the introduction of phase one in 2014, the Government is still working on Standard Operating Procedures to further roll out the Sharia Penal Code, including physical punishments. However, there are still no precise indications when further phases of the Code would be introduced. Full enactment of the Sharia Penal Code would undermine Brunei's long-standing international human rights commitments.

Sharia is in fact the culmination of years of Islamisation of Brunei's laws on the basis of the specific concept of Malay Islamic Monarchy (Melaya Islam Beraja/MIB). Freedom of religion or belief remains a key issue. Islam – Shafi'i Islam, other forms are banned – is Brunei's official religion and four other religions (Buddhism, Christianity - Catholic and Anglican-, Hinduism and Taoism) are officially recognised although their practice is considerably restricted. For instance, Christian schools are not permitted to teach their religion; new construction of religious buildings and places of worship is not allowed; and public religious services and celebrations, including for Christmas and Chinese New Year, are illegal even though Christmas remains a public holiday. Non-Muslims suffer discrimination by the State (e.g. social benefits, access to the army or the public administration). These discrimination practises are primarily enforced at the government level, while ordinary Muslims in Brunei remain largely tolerant. Other serious human rights issues relate to civil and political rights, most notably the absence of credible, inclusive and transparent elections. The death penalty is still retained although no executions have taken place since 1984 so Brunei can be considered abolitionist de facto.

2. EU action - key focus areas: The EU uses its bilateral meetings with Brunei's authorities to raise human rights issues and has regularly urged Brunei to accede to further core UN human rights conventions. There is no dialogue on human rights with Brunei but human rights concerns are regularly raised by the local EU representation and during the annual visit of the non-resident Head of Delegation that took place on 6-7 March 2018. On this occasion, the issue of Brunei's sharia law and its compliance with international human rights obligations was raised.

3. EU bilateral political engagement: Bilateral relations are very limited given the fact that PCA negotiations have been paused following the adoption of the Sharia Penal Code in May 2014.

4. Multilateral context: There has been no change in terms of signature or accession to any additional UN Human Rights Convention in 2018. The Convention against Torture signed in 2015 has still not been ratified.