

**United Nations Human Rights Council  
Universal Periodic Review of Brunei Darussalam**

**I. Background.**

1. **Jubilee Campaign** is a non-governmental organization which holds consultative status with the Economic and Social Council since 2003 and whose work focuses on promoting the rights of religious and ethnic minorities and raising the status of vulnerable women and children to protect them from bodily harm and exploitation. Jubilee Campaign submits this analysis of religious freedom in Brunei Darussalam as a contribution to the Universal Periodic Review.

**II. Scope of international obligations and cooperation with international human rights mechanisms and bodies.**

We urge Brunei Darussalam to:

2. Ratify the Optional Protocol of the Convention against Torture; the International Covenant on Civil and Political Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Convention for the Protection of All Persons from Enforced Disappearance; the Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Elimination of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

**III. Violations of human rights obligations, considering applicable international human rights legislation.**

**A. Freedom of thought, conscience, and religion.**

3. The 1959 Constitution of Brunei in Article 3 formally establishes Islam as the national religion, "provided that all other religions may be practised in peace and harmony by the persons professing them". It additionally mandates the Religious Council which is responsible for advising the Sultan "on all matters relating to the Islamic Religion". Article 4 grants the Sultan the authority to make new Islamic legislations contingent upon prior discussion with the Religious Council; such laws, however, do not have to comply with the Council's guidance. Articles 5 and 84(A) stipulate that all cabinet ministers and deputy ministers must be of the Malay race and of Muslim faith, unless otherwise specified by the Sultan. Other government positions whose appointees must be of Islamic faith include: Auditor General; Clerk to the Privy Council; Clerk to the Legislative Council; Chief Syar'ie Judge; Mufti Kerajaan; Attorney General; Chairman of the Public Service Commission; Yang Di-Pertua Adat Istiadat; Speaker of the Legislative Council; and Secretary to the Council of Ministers.<sup>1</sup>
4. Brunei has both a secular penal code and a Sharia penal code. The secular penal code, known as the Penal Code (Chapter 22), was enacted in 1951 and applies to all residents of Brunei regardless of their religion. On the other hand, the Sharia Penal Code, which was implemented in phases starting from 2014, incorporates elements of Islamic law and applies specifically to Muslims in Brunei. Both penal codes include religious offenses, such as insulting, offending, and disparaging the religion of Islam and intentionally "wounding the religious feelings of any person" (blasphemy), conduct which is punishable by imprisonment for Muslims and non-Muslims alike. The Sharia penal code imposes more stringent sanctions for religious offenses committed by Muslims; apostasy, or the act of renouncing Islam, and blasphemy, specifically listed as deriding the Prophet or the Quran, are

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<sup>1</sup> [Brunei] Attorney General's Chambers, [Constitution of Brunei Darussalam - Revised Edition 2011](#), 2011. ; Constitute Project, [Brunei Darussalam 1959 \(rev. 2006\)](#).

punishable by the death penalty. Additionally, individuals convicted of “propagating” religions other than Islam; proselytism; exposing a child of Muslim or atheist parents to any non-Muslim faith; and distributing non-Muslim religious literature, can be liable to a maximum of five years’ imprisonment and/or a fine upwards of BND \$10,000 Brunei Dollars (≈ USD \$7,500).<sup>2</sup>

5. In May 2019, Brunei received international condemnation for the implementation of the 2013 Syariah Penal Code; public figures and institutions such as George Clooney, Elton John, JPMorgan, and Deutsche Bank spoke out against the disconcerting legal development and called on their followers and employees to boycott Brunei-owned and -operated hotels.<sup>3</sup> That same month, Sultan Hassanal Bolkiah announced that the nation’s moratorium on capital punishment would extend to conduct criminalized by the new Sharia penal code<sup>4</sup>, however as noted by Humanists UK, the international human rights and religious liberty advocacy community “remain[s] concerned that the death penalty and corporal punishments will remain on the statute books, and as such could still be imposed at any time, and will continue to propagate hateful and discriminatory views towards religious, non-religious, and LGBT minorities”.<sup>5</sup>
6. Brunei persecutes minority Muslim faith communities deemed “deviant” or following “false doctrines”, including non-Shafi’i Muslim communities such as the Ahmadiyya as well as Malay shamans (bomoh). The government has publicly dissuaded individuals from “being dragged or drifted into these devious teachings”. Under the Syariah penal code, in particular followers of the Ahmadiyya faith who believe its founder was a prophet or “mythical saviour” can “theoretically be sentenced to death for upholding one of the core convictions of their religions” according to penal provisions against making declarations “contrary” to Islam. Similarly, the nation’s Baha’i practitioners can potentially face the harshest of penalties for their belief that the founder of their faith is a holy messenger.<sup>6</sup>
7. The Islamic Da’wah Center in Brunei hosts a permanent exhibition of prohibited objects and items including non-Islamic religious literature which “advocate Christianity”. The Undesirable Publications Act, Islamic Religious Council Act, and Kadi Courts Act each provide precedent for the confiscation of non-Muslim religious literature.<sup>7</sup>
8. Faith minorities have noted that they have experienced obstacles to building new churches. Though legislation permits non-Muslims to construct new houses of worship and transform existing buildings into houses of worship, written permission is required. Some have reported that it appears that the government “seeks to prevent the usage of private residences as places of worship for non-Muslim and non-Shafi’i Muslim communities”. Fortunately, some formally unregistered pre-existing Christian churches have been able to continue operating relatively free from government restriction.<sup>8</sup>
9. In October 2023, a young Bruneian Christian woman named Lina (pseudonym) shared with Open Doors her experience in adolescence and as a young adult in university. Lina grew up in a Christian family and was surprised when her college classmates accosted her for bringing her Bible to school. While attending classes, Lina is required to wear a hijab alongside her Muslim peers; even though she is permitted to remove her headdress while outside of her school campus, “peer pressure” has caused her to decide to wear a hijab in public and conceal her cross necklace because “if this is

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<sup>2</sup> [Brunei] *Laws of Brunei: Chapter 22 Penal Code Revised Edition 2021*, [B.L.R.O. 5/2021](#). ; [Brunei] [Syariah Penal Code Order, 2013](#), 22 October 2013 [took effect April 2019]. ; Human Rights Watch, [“Brunei’s Pernicious New Penal Code”](#), 22 May 2019.

<sup>3</sup> Rebecca Wright, [“Brunei backs down on gay sex death penalty after international backlash”](#), CNN, 6 May 2019.

<sup>4</sup> Bandar Seri Begawan, [“Brunei says death penalty moratorium to cover sharia laws”](#), France 24, 5 May 2019.

<sup>5</sup> Humanists UK, [“Brunei’s death penalty for blasphemy is ‘serious human rights breach’”](#), 18 September 2019.

<sup>6</sup> Human Rights Resource Centre for ASEAN, [Keeping the Faith: A Study of Freedom of Thought, Conscience, and Religion in ASEAN](#), 2015.

<sup>7</sup> Supra note 6.

<sup>8</sup> Supra note 6.

seen, I will be accused of spreading the gospel". In order to maintain her faith clandestinely in the face of persecution, Lina has opted to use a phone application to read the Bible as it does not draw suspicion and "a physical Bible is simply too dangerous to carry around".<sup>9</sup>

10. In 2020, another young Bruneian Christian woman named Elora (pseudonym) shared that she was the only Christian student at her school and that her peers and instructors often questioned her about her faith. She was raised in Christianity, as her mother taught her Bible lessons and her father was an active leader in the church; however, she was required to take classes on Islam while in school as it is a mandatory subject for all students regardless of their religious identity. In college, she was forced to break up with her Muslim boyfriend as non-Muslims are required to convert to Islam in order to marry Muslim citizens. Elora reported that many of her Christian peers have become discouraged and "don't see a place for themselves in the church anymore". Additionally, the future of Christianity in Brunei is uncertain as "believers are not willing to take risks. Parents choose not to send their children to public church events".<sup>10</sup>

### **Recommendation(s).**

We urge Brunei Darussalam to:

11. Amend existing legislation or enact new laws to explicitly protect freedom of religion or belief for all citizens, regardless of their faith. Ensure that these laws comply with international human rights standards and provide robust mechanisms for enforcement.
12. Repeal articles of both the Syariah Penal Code and secular Penal Code which criminalize faith-related conduct such as criticism of religion, holding non-traditional Muslim beliefs, and renouncing Islam. Blasphemy and apostasy laws are inconsistent with universal standards of human rights, including the right to freedom of religion or belief and the right to freedom of expression;
13. Engage with international organizations, such as the United Nations and regional human rights bodies, to seek technical assistance, capacity-building support, and best practices in promoting and protecting freedom of religion or belief. Collaborate with neighboring countries and global partners to exchange experiences and coordinate efforts to address cross-border challenges related to religious persecution.

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<sup>9</sup> Open Doors Finland, ["Yliopisto-opiskelijan salainen usko: miltä Brunein kristittyjen 'normaali' arki näyttää"](#) ("The secret faith of a university student: what the 'normal' everyday life of Christians in Brunei looks like"), 17 October 2023.

<sup>10</sup> Open Doors Hong Kong (敞開的門), ["My heart beats faster when it comes to Brunei" - A young believer shares her hopes and fears for her nation"](#), 10 January 2020.