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FREEDOM IN THE WORLD 2020

Brunei **28**
NOT FREE /100

<u>Political Rights</u>	7/40
<u>Civil Liberties</u>	21/60

LAST YEAR'S SCORE & STATUS

29 /100 **Not Free**

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)

Overview

Brunei is an absolute monarchy in which the sultan exercises executive power. There are no elected representatives at the national level. Freedoms of the press and assembly are significantly restricted. Online speech is monitored by authorities, but lively nevertheless.

Key Developments in



On Brunei

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2019

- In April, Brunei implemented the second phase of its controversial Sharia (Islamic law) penal code; the code, which applies to Muslims and non-Muslims, includes whippings, amputation, and death by stoning as possible sentences. In May, the sultan issued a de facto moratorium on the death penalty, but did not address the code’s other provisions.
- The government continued prosecuting cases of corruption during the year. In November, a former oil company official was indicted over undocumented income from other sources; his trial was ongoing at year’s end.
- In December, a former civil servant received an 18-month sentence in absentia for criticizing halal certification regulations in a 2017 Facebook post. The civil servant, who fled to Canada to seek asylum in 2018, was the first to be convicted under the Sedition Act.

Country Facts

Global Freedom Score

28/100

Not Free

Other Years

2019

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?	0/4
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The hereditary sultan, Hassanal Bolkiah Mu’izzaddin Waddaulah, is the head of state and prime minister, and continues to wield broad powers under a long-standing

state of emergency imposed in 1984.

In recent years, Brunei has appeared to be paving the way for Hassanal's son, Prince Al-Muhtadee Billah, to take power. There are no indications that any transition would involve moving away from a traditional monarchy.

A2 0-4 pts

<p>Were the current national legislative representatives elected through free and fair elections?</p>	<p>0/4</p>
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The unicameral Legislative Council has no political standing independent of the sultan, who appoints its members. Brunei has not held direct legislative elections since 1962.

Elections are held for village-level councils that play a consultative role, though candidates are vetted by the government.

A3 0-4 pts

<p>Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?</p>	<p>0/4</p>
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There are no national-level electoral laws, since there have not been any national, direct legislative elections in over five decades.

B. Political Pluralism and Participation

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B1 0-4 pts

<p>Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?</p>	<p>1/4</p>
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Genuine political activity by opposition groups remains extremely limited. The National Development Party (NDP) was permitted to register in 2005 after pledging to work as a partner with the government and swearing loyalty to the sultan; it is the only registered party.

B2 0-4 pts

<p>Is there a realistic opportunity for the opposition to increase its support or gain power through elections?</p>	<p>0/4</p>
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There are no national-level elections in which opposition forces could gain power. Since the National Solidarity Party was deregistered without explanation in 2007, the NDP has been Brunei's sole legal political party. It has no formal political role, few activities in practice, and a small membership, and is unable to challenge the sultan's power in any meaningful way.

B3 0-4 pts

<p>Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?</p>	<p>1/4</p>
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With the dominance of the sultan and lack of elections, residents have few avenues for genuine and autonomous political participation. However, people have some very limited ability to challenge unpopular policies through the

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organization of social movements.

B4 0-4 pts

<p>Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?</p>	<p>1/4</p>
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Ethnic and religious minorities have few opportunities for political participation, even on a local level. Village council candidates must be Muslim, and ministers and deputy ministers must be Muslim and Malay unless the sultan grants an exception.

C. Functioning of Government

C1 0-4 pts

<p>Do the freely elected head of government and national legislative representatives determine the policies of the government?</p>	<p>0/4</p>
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None of Brunei's national-level policymakers are chosen through elections. The sultan wields broad powers, and is counseled by appointed advisory bodies and the appointed legislature.

C2 0-4 pts

<p>Are safeguards against official corruption strong and effective?</p>	<p>3/4</p>
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In 2015, the government enacted amendments to the Prevention of Corruption Act, which strengthened the

anticorruption framework by establishing new conflict of interest rules for public officials, among other provisions. The government claims to have a zero-tolerance policy on corruption, and its Anti-Corruption Bureau has successfully prosecuted a number of lower-level officials in recent years. In 2018, two former judges were indicted for allegedly embezzling over \$7 million from a court’s bankruptcy office. Their trial was still in session at the end of 2019.

In November 2019, prosecutors accused Ibrahim bin Abdul Gani, a former Brunei Shell Petroleum (BSP) officer, of possessing “unexplained property.” Prosecutors alleged that Gani did not maintain necessary documentation for previous lottery winnings or income from investments; his trial began in December and was ongoing at year’s end.

C3 0-4 pts

Does the government operate with openness and transparency?	1/4
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Although the appointed Legislative Council has no independent power, it formally passes the state budget and engages in question-and-answer sessions with government officials. The council meets once each year for a session lasting approximately two weeks. However, in general there is little transparency in the operations of the Brunei government.

Civil Liberties

D. Freedom of Expression and Belief

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D1 0-4 pts

Are there free and independent media?	1/4
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Officials may close newspapers without cause and fine and imprison journalists for up to three years for reporting deemed “false and malicious.” Brunei’s only television station is state-run. The country’s main English-language daily newspaper, the *Borneo Bulletin*, is controlled by the sultan’s family and its journalists often practice self-censorship. Another former English-language newspaper, the *Brunei Times*, closed abruptly in 2016, allegedly after complaints from the Saudi embassy in Brunei over critical coverage of Saudi hajj policies. A new online outlet, the Scoop, which launched in 2017, contains somewhat independent coverage of Brunei society and politics.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?	1/4
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The state religion is the Shafi’i school of Sunni Islam, but the constitution allows for the practice of other religions. Non-Shafi’i forms of Islam are actively discouraged, and marriage between Muslims and non-Muslims is not allowed. Muslims require permission from the Ministry of Religious Affairs to convert to other faiths. Christians are allowed to hold low-key Christmas celebrations inside churches or at homes, but not outdoors or at shopping malls.

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In 2014, Brunei implemented new criminal regulations based on Sharia, which include limits on the use of certain words and expressions deemed to be sacred to Islam in reference to other religions. The code also includes a ban on

proselytizing of a religion other than Islam to Muslims or atheists, and requires Muslims to participate in religious observances. In April 2019, the government implemented a second phase that mandated death by stoning for insulting the prophet Muhammad, though a moratorium on capital punishment was issued in May.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?	2/4
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Academic freedom is respected to some extent, although institutions must seek approval from authorities to host visiting scholars, public lectures, and conferences. Scholars reportedly practice self-censorship or release their work under pseudonyms in overseas publications.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?	2/4
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The government utilizes an informant system to monitor suspected dissidents, and online communications are monitored for subversive content. Nevertheless, Brunei has an active online discussion community, although there are reports of self-censorship online regarding issues related to the monarchy.

In December 2019, a former civil servant who criticized the government's halal certification policy in a 2017 Facebook post was given an 18-month sentence in absentia. The civil servant, who was the first to be convicted under the Sedition Act, fled to Canada to seek asylum in 2018.

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E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	1 /4
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Long-standing state-of-emergency laws continue to restrict freedom of assembly. No more than 10 people can assemble for any purpose without a permit, and these laws are frequently enforced.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work?	1 /4
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Most nongovernmental organizations (NGOs) are professional or business groups, although a few work on issues related to social welfare. All groups must register, registration can be refused for any reason, and registered groups can be suspended.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	1 /4
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The law guarantees the right to form and join a union, but the agreement that had permitted Brunei's only active union, the Brunei Oilfield Workers Union, is now expired. Strikes are illegal, and collective bargaining is not

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recognized.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	1/4
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Brunei has a dual judicial system of secular and Sharia courts; all senior judges are appointed by the sultan. The courts appear to act independently when handling civil matters, and have yet to be tested in political cases or under the new regulations.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	2/4
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Civil and criminal law is based on English common law and is enforced in secular courts, while Sharia is enforced in Sharia courts. People detained under the Internal Security Act (ISA) lack due process rights including the presumption of innocence.

The country's controversial penal code, based on Sharia, was delayed for several years; Brunei introduced the first phase in 2014 but held off on implementing the second of three envisioned phases, which contains penalties including amputations and death by stoning, until April 2019. Many of the Sharia rules overlap with existing provisions of the civil and criminal laws, but there are different sentences and burdens of proof under the new code.

The government only provides an attorney to indigent defendants in death penalty cases. To address this gap in

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access to justice, the Law Society of Brunei launched a pilot program for the country's first legal aid fund in 2018, but attorneys are only provided to defendants who plead guilty.

F3 0-4 pts

<p>Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?</p>	<p>1/4</p>
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Brunei retained the death penalty for crimes including drug trafficking before the new Sharia code was launched. However, no individual has been executed since 1957. Prison conditions generally meet international standards.

Sharia-based criminal statutes implemented in April 2019 contain more severe penalties for violations including consensual same-sex relations, theft, and adultery; they vary from whippings to amputations and death by stoning. In May, the sultan issued a “de facto moratorium on capital punishment,” but did not issue clarification on the other provisions.

Score Change: The score declined from 2 to 1 because the government partially implemented penal code changes that introduced punishments including amputation and death by stoning for a wide range of moral, religious, and ordinary criminal offenses.

F4 0-4 pts

<p>Do laws, policies, and practices guarantee equal treatment of various segments of the population?</p>	<p>1/4</p>
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Brunei citizenship is inherited from citizen fathers. Citizen mothers must complete an application to pass citizenship

on to children born to a noncitizen father. Thousands of stateless residents of Brunei, including longtime ethnic Chinese residents, are denied the full rights and benefits granted to citizens.

LGBT+ people living in Brunei are subject to severe penalties for same-sex relations under Sharia-based laws. Under regulations introduced in April 2019, consensual same-sex acts can be punished by death, or by whipping if the offenders are female.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

<p>Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?</p>	<p>2/4</p>
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Freedom of movement is respected. All government employees, domestic and foreign, must apply for permission to travel abroad, but permission is easily obtained. Stateless children do not have free access to education and instead must apply to enroll in schools; if accepted they sometimes have to pay tuition not required of citizens.

G2 0-4 pts

<p>Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?</p>	<p>2/4</p>
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Brunei citizens are able to own property and can establish businesses with relative ease, but protections for private

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property are not strong. State-linked firms dominate many sectors of the economy and the government heavily subsidizes a number of industries.

G3 0-4 pts

<p>Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?</p>	<p>1/4</p>
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Islamic law generally disadvantages women in matters involving divorce and child custody. The new Sharia penal code criminalizes “indecent behavior,” enjoins women to dress “modestly,” and makes abortion and extramarital sex capital offenses. There is no specific law against domestic violence, and although rape is a capital crime, spousal rape is not criminalized.

Transgender people are prohibited from dressing in line with their gender identity under the Sharia-based penal code.

G4 0-4 pts

<p>Do individuals enjoy equality of opportunity and freedom from economic exploitation?</p>	<p>2/4</p>
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There is no private-sector minimum wage in Brunei. Labor inspections are frequent, but are often aimed at identifying undocumented migrant workers. Migrants who come to Brunei to serve as household workers are often coerced into involuntary servitude or debt bondage, and can be subject to varying forms of abuse. Workers who overstay visas are regularly imprisoned and, in some cases, caned.

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According to the US State Department’s 2019 *Trafficking in Persons Report*, Brunei has made little progress in fighting

human trafficking over the previous year. The State Department noted that no prosecutions took place during the reporting period, while victims are at risk of prosecution and deportation. The government has not provided information on women and boys who are trafficked and do not receive shelter or services.

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