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Brunei

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

July-December, 2010 International Religious Freedom Report

Report

September 13, 2011

Though the constitution guarantees religious freedom, other laws and policies restrict this right, and in practice, the government generally enforced these restrictions. The constitution states, "The religion of Brunei Darussalam shall be the Muslim religion according to the Shafi'i sect of that religion: Provided that all other religions may be practiced in peace and harmony by the person professing them in any part of Brunei Darussalam." The government continued its longstanding policies to promote the Shafi'i school of Sunni Islam and discourage other religions. Other laws and policies placed restrictions on religious groups that did not adhere to the Shafi'i school of Sunni Islam.

There was no change in the status of respect for religious freedom by the government during the reporting period. The government continued its restrictions on the religious freedom of non-Muslims. The government continued to favor the propagation of Shafi'i beliefs and practices, particularly through public events and the education system. Non-Muslims were prohibited from receiving religious education in a private religious school. Non-Muslims also faced social and sometimes official pressure to conform to Islamic guidelines on behavior and were forbidden to proselytize. The government maintained a ban on a number of groups it considered "deviant." Across denominational lines non-Muslim religious leaders stated that they were subjected to undue influence and duress, and some were threatened with fines and/or imprisonment. There were reports of harassment of clergy, opening of mail, and prohibitions on receiving religious texts for use in schools or houses of worship. In addition churches were reportedly monitored by government security agents. Laws and regulations generally limited access to religious literature, places of worship, and public religious gatherings for non-Muslims. The government continued its public campaign in support of the Malay Islamic Monarchy (MIB) belief system, claiming its superiority over other religious and social belief systems. Muslims remained subject to the government's interpretation of Sharia (Islamic law).

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice. The country's religious groups generally coexisted peacefully.

The U.S. government discusses religious freedom with the government and religious leaders as part of its overall policy to promote human rights. The U.S. embassy repeatedly expressed concerns, at the highest levels of the public and private sectors, regarding the denial of religious rights that are specifically protected in the country's constitution and expressed the position of the U.S. government regarding religious freedom. In addition the embassy supported a number of programs and visits related to religious freedom.

Section I. Religious Demography

The country has an area of 2,200 square miles and a population of 428,000. According to official statistics, the population is 82 percent Muslim, 7 percent Buddhist, 3 percent Christian, less than 1 percent a combination of other faiths (including Hindu, Bahai, Taoist, Sikh, Nasrani, atheists, and others), and 7 percent who did not state their faith. The government categorizes Catholics as distinct from other Christians. There is also an indigenous population that adheres to traditional animistic beliefs, although many have converted either to Islam or Christianity. There are 110 mosques and Islamic prayer halls, six Christian churches (three Roman Catholic, two Anglican and one Baptist), three Chinese Buddhist temples, and one Hindu temple, all officially registered in the country. Several Christian congregations operate without registration.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the Country Reports on Human Rights Practices for the status of the government's acceptance of international legal standards <http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

Though the constitution guarantees religious freedom, other laws and policies restrict this right, and in practice, the government generally enforced these restrictions. The constitution states, "The religion of Brunei Darussalam shall be the Muslim religion according to the Shafi'i sect of that religion: Provided that all other religions may be practiced in peace and harmony by the person professing them in any part of Brunei Darussalam." Other laws and policies placed restrictions on religious groups that do not adhere to the Shafi'i school of Sunni Islam.

The government described the country as a Malay Islamic Monarchy and actively promoted adherence by its Muslim residents to Islamic values and traditions. The Ministry of Religious Affairs (MRA) was responsible for propagating and reinforcing the Shafi'i beliefs and practices as well as enforcing Sharia, which existed alongside secular laws and applied only to Muslims. 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, are monthly financial assistance, new homes, electric generators, and water pumps, as well as funds to perform Hajj pilgrimage.

The Societies Order of 2005 requires all organizations, including any non-Shafi'i religious group, to register and provide the names of its members. The application process is overseen by the Registrar of Societies, who exercised discretion over applications and was authorized to refuse approval for any reason. Unregistered organizations can face charges of unlawful assembly and may be subject to fines. Individuals who participate in, or influence others to join, unregistered organizations can be fined, arrested, and imprisoned.

The government has banned several religious groups that it considers deviant, including Al-Arqam, Abdul Razak Mohammad, Al-Ma'unah, Saihoni Taispan, Tariqat Mufarridiyyah, Silat Lintau, and Qadiyaniah and the Bahai faith.

The government continued, as a general rule, to enforce zoning laws that prohibit the use of private homes as places of worship. The prohibition applies to non-Muslims and to Muslims practicing different sects other than the Shafi'i sect.

However, there were reports that some unregistered religious groups conducted religious observances in private residences without interference from the authorities.

The government periodically warned the population about "outsiders" preaching radical Islamic fundamentalist or unorthodox beliefs and also warned Muslims against Christian evangelists.

A 1964 fatwa issued by the state mufti strongly discourages Muslims from assisting non-Muslim organizations in propagating their faiths. The MRA reportedly used the fatwa to influence other government authorities either to deny non-Shafi'i religious organizations permission for a range of religious and administrative activities or not to respond to applications from these groups. Nonetheless, Christian churches and their associated schools were allowed, for safety reasons, to repair, expand, and renovate buildings on their sites. However, this approval process was often lengthy and difficult.

Any public assembly of five or more persons required official approval in advance, regardless of the purpose of the assembly. Under the Emergency Act, this applies to all forms of public assembly, whether religious, political, or social.

Relevant authorities granted permission to Chinese religious temples to celebrate seasonal religious events. However, the temples must reapply for permission annually.

Under the Emergency (Islamic Family Law) Order 1999, Muslim women have similar rights as Muslim men in matters of divorce and child custody. The government's interpretation of Islamic inheritance law holds that the inheritance of female Muslims will be half that of male heirs.

The government observes the following religious holidays as national holidays: Chinese New Year, Christmas Day, Eid ul-Fitr, Eid ad-Adha, First Day of Ramadan, First Day of the Islamic Calendar, Isra Me'raj, Prophet Muhammad's Birthday, and Revelation of Al-Quran.

Restrictions on Religious Freedom

The government continued its restrictions on the religious freedom of non-Muslims. There was no change in the status of respect for religious freedom by the government during the reporting period.

Since the early 1990s, the government has worked to reinforce the legitimacy of the hereditary monarchy and the observance of traditional and Muslim values by promoting a national ideology known as the Melayu Islam Beraja (MIB), or Malay Islamic Monarchy. MIB principles have been adopted as the basis for civic life. All government meetings and ceremonies commenced with a Muslim prayer. When attending citizenship ceremonies, non-Muslims must wear national dress, including Muslim head coverings for men and women.

Despite constitutional provisions providing for religious freedom, the government restricted, to varying degrees, the religious practices of all religious groups other than the Shafi'i school of Sunni Islam. Proselytizing by any group other than the official Shafi'i sect was prohibited. The government placed strict customs controls on the importation of non-Islamic religious texts such as Bibles and Islamic religious teaching materials or scriptures intended for sale or distribution.

Anyone who teaches or promotes any "deviant" beliefs or practices in public may be charged under the Islamic Religious Council Act and punished with three months incarceration and a fine of BND 2,000 (\$1,550).

The government routinely censored magazine articles on other faiths, blacking out or removing photographs of crucifixes and other Christian religious symbols. Government officials also restricted the distribution and sale of items that feature photographs of religious symbols.

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There were credible reports that agents of the government's internal security department monitored religious services at Christian churches and that senior church members and leaders were under surveillance.

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 were generally assumed to be Muslim. Non-Muslims were not held accountable to Sharia precepts, 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 consumption of alcohol. Although there were reports of khalwat cases of foreign workers during immigration enforcement raids, no official statistics on such cases were released in 2010. Government officials reported that in many cases, khalwat charges were dropped before prosecution due to lack of evidence. Most of those detained for a first offense were fined and released, although in previous reporting periods, some persons were imprisoned for up to four months for repeated offenses of khalwat. Men are subject to a BND 1,000 (\$775) fine and women to a BND 500 (\$385) 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.

The Ministry of Education (MOE) required courses on Islam and the MIB in all schools that adhered to the state curriculum. Most school textbooks were illustrated to portray Islam as the norm, and often all women and girls were shown wearing the Muslim head covering. There were no depictions of other religions' practices in textbooks. The MOE prohibited the teaching of other religions and comparative religious studies. In January 2010 the head of state decreed that religious education would be mandatory for Muslim students. As a result, private schools were required to teach Islam and made Ugama instruction mandatory on an extracurricular, after-hours basis for their Muslim students. Ugama is a six-year education course that teaches Sunni Islam according to the Shafi'i school of thought.

Schools could be fined or school officials imprisoned for teaching non-Islamic religious subjects. In previous reporting periods, Christian students at a private school offering Islamic instruction during regular school hours were allowed to attend Christian religious instruction during periods when Muslim students received Islamic instruction. The government has not revised its position regarding the teaching of non-Islamic religious courses to non-Islamic students. However, the government did not prohibit or restrict parents from providing religious instruction for children in their homes.

There was no legal requirement for women to wear head coverings in public; however, social customs were reinforced by religious authorities to encourage Muslim women to wear the tudong, a traditional head covering, and many women did so. In government schools and at institutes of higher learning, Muslim and non-Muslim female students must wear Islamic attire, including a head covering as a part of their uniform. Male students were expected to wear the songkok (hat) although this is not required in all schools.

Marriage between Muslims and non-Muslims was not permitted, and non-Muslims must convert to Islam if they wish to marry a Muslim. Government statistics indicated 575 conversions to Islam in 2010.

Muslims may legally convert to another religion; however, they often faced significant official and societal pressure not to convert. Permission from the MRA must be obtained before converting from Islam. There were no reports of renunciation of Islam in 2010.

The government offered financial incentives for conversion to Islam. If parents converted to Islam, there was often family and official pressure for the children to do the same. However, 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.

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice. The country's religious groups generally coexisted peacefully.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. The U.S. embassy continued dialogue with government officials and representatives of all religious groups. Embassy representatives continued to encourage the government to adhere to the spirit 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 the increased restrictions on religious freedom in the country affecting all levels of the public and private sectors. During her December 2010 visit, U.S. Special Representative to Muslim Communities Farah Pandith conveyed strong support for religious freedom and tolerance. She engaged in dialogue with youth, government officials, the press, and entrepreneurs, emphasizing the U.S. role as a partner for Muslim communities worldwide. The embassy maintained close contacts with religious leaders and made clear the commitment of the U.S. government to promote religious freedom. In addition the embassy supported religious freedom through the Fulbright exchange program, visits to places of worship, and public discussions on religious freedom issues.

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