

Institute on Religion and Public Policy: Religious Freedom in Brunei Darussalam

Executive Summary

(1) The status of religious freedom in Brunei Darussalam is poor. The government favors Islam at the expense of other religions. Several ministerial posts and other government positions are reserved exclusively for Shafi'i Muslims. The government restricts and censors the availability of religious material for non-Shafi'i Muslims. Construction of new religious facilities for non-Shafi'i Muslims has been severely restricted, as well, limiting the abilities of these groups to conduct their religious services. There are numerous instances of governmental actors pressuring Christian or other religious minorities to conform to Muslim standards of dress and behavior. Several groups deemed "deviant" by authorities were banned. Education heavily favored Islam and depictions of Islam were presented as the cultural norm.

Institute on Religion and Public Policy

(2) Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Introduction to the Legal Situation

(3) Article 3, Section 1 of the Constitution of Brunei simultaneously establishes Islam as the official religion of Brunei and provides protections for religious minorities. The article states, "The official religion of Brunei Darussalam shall be the Islamic Religion: Provided that all other religions may be practiced in peace and harmony by the persons professing them." Article 2, Section 1 clarifies that the "Islamic Religion" means the Islamic Religion according to the Shafeite sect of Ahlis Sunnah Waljamaah.

(4) Article 3 further expounds upon the relationship between the state and Islam. Article 3, Section 2 designates the Sultan as the head of "the official religion of Brunei Darussalam." Article 3, Section 3 establishes a "Religious Council" which "shall be the authority responsible for advising His Majesty the Sultan and Yang Di-Pertuan on all matters relating to the Islamic Religion." Article 3, Section 4 delineates the role that the Sultan will play in his roles as head of the "official religion of Brunei Darussalam" stating, "For the purpose of this Article, His Majesty the Sultan and Yang Di-Pertuan may, after consultations with the Religious Council, but not necessarily in accordance with the advice of the Council, make laws in respect of matters relating to the Islamic Religion."

(5) There are also numerous positions within the government reserved only for Muslims or where Muslims are given priority at the expense of others. Article 4, Section 5 mandates, “the appointment of Ministers and Deputy Ministers shall be made from among the Malay race professing the Islamic Religion, save where His Majesty the Sultan and Yang Di-Pertuan otherwise decides.” Article 84A, Section 1 states that “No person shall be appointed to any office specified in the Third Schedule unless he is a citizen of Brunei Darussalam of the Malay race professing the Islamic Religion.” The following positions are specified in the Third Schedule: Auditor General, Clerk to the Privy Council, Clerk to the Legislative Council, Chief Syariah Judge, Mufti Kerajaan, Attorney General, Chairman of the Public Service Commission, Yang Di-Pertua Adat Istiadat, Speaker of the Legislative Council, and the Secretary to the Council of Ministers.

(6) In addition to the issues affecting religious freedom in the Constitution, there are numerous other legal restrictions which affect members of all minority religious communities. The Ministry of Religious Affairs is responsible for “propagating and reinforcing the Shafi’i beliefs and practices.” In addition, the Ministry plays a key role in enforcing the Shar’ia laws, which only affect Muslims.

(7) Under the Societies Order of 2005, all non-Shafi’i religious groups are required to register. As part of the registration process, all groups are required to provide the names of members. The registration process is overseen by the Registrar of Societies which may refuse an application for any reason. According to the United States Department of State International Religious Freedom Report, “Unregistered organizations can face charges of unlawful assembly and be fined. Individuals who participate in or influence others to join unregistered organizations can be fined, arrested, or imprisoned.”

(8) Non-Muslims face a wide array of prohibitions and restrictions that negatively affect the status of religious freedom. The government prohibits proselytization by all non-Shafi’i Muslim groups. The importation of spiritual and teaching material, including the Bible, is banned. Permission to construct new shrines, temples, and churches has been denied. Furthermore, the government continued to enforce zoning laws that prohibited the use of private residences for religious ceremonies. Marriage between Muslims and non-Muslims is prohibited; non-Muslims must convert to Islam if they wish to marry a Muslim.

(9) Muslims face restrictions on the practice of their religion as well. As previously mentioned, proselytization by all non-Shafi’i groups is prohibited. While Muslims may legally convert to another religion, they must obtain permission from the Ministry of Religious Affairs in order to do so.

(10) The government has banned several religious groups which it considers deviant. In March of 2008, the government banned three additional groups “sects”: the Silat Lintau, Tariqat Mufarridiyyah, and Qadiyaniah. Previously banned groups include: al-Arqam, Abdul Razak Mohammad, al-Ma’unah, Saihoni Taispan, and Baha’ism. According to the

United States Department of State International Religious Freedom Report, “anyone who publicly teaches or promotes any ‘deviant’ beliefs or practices may be charged under the Islamic Religious Council Act and punished with 3 months’ incarceration and a fine of \$1,400 (B\$ 2000).”

Instances of Official Discrimination

(11) The government pressures non-Muslims to conform and observe several Muslim traditions. Islamic authorities arranged a number of activities and incentives for individuals, especially indigenous tribal groups, to convert to Islam including, “monthly financial assistance, new homes, electric generators, and water pumps.” All non-Muslim men and women must wear “national dress”, which includes head coverings in citizenship ceremonies. In government schools and institutions of higher learning, non-Muslims are required to wear a head covering as part of their uniform. In addition, non-Muslim teachers have been pressured into wearing Muslim head scarves.

(12) The government routinely attempts to limit the exposure of non-Shafi’i symbols and images to the population at large. The government takes measures to prevent the “distribution and sale of any item that features images of undesirable or religious symbols.” Government authorities even censor magazine articles depicting such symbols by “blacking out or removing photographs of crucifixes and other Christian religious symbols.”

(13) Education is another issue of concern. Textbooks often illustrated Islam and Muslim traditions as the norm. Women and girls were only depicted wearing headscarves. The Ministry of Education prohibited the teachings of other religious traditions as well as “comparative religious studies.” The Ministry of Education requires teachings on Islam which follow a state designated curriculum.

(14) Christians in particular were subject to harassment by state agencies and officials. Reportedly agents of the Internal Security Department monitored Christian religious services. Church members believe that they were subject to periodic surveillance.

(15) The government issues ID cards which include a person’s ethnic identity. This identity is often used to determine religion and hence whether or not that person is subject to Shari’a law. Ethnic Malays are generally assumed to be Muslims.

Conclusion

(16) The government of Brunei must take several key actions in order to comply with internationally accepted human rights standards in regards to freedom of religion. The bans on groups, including the Silat Lintau, Tariqat Mufarridiyyah, Qadiyaniah, al-Arqam, Abdul Razak Mohammad, al-Ma’unah, Saihoni Taispan, and Baha’ism, which the government considers deviant must be reversed. Discriminatory practices against Christians and others such as the censorship of magazine articles and the ban on the importation of religious literature must be lifted. Permits must be issued for the

construction of new religious facilities for minority religious communities. The Sultan must end his interference with the operation of the Muslim community in Brunei. The blatant favoritism for Shafi'i Islam at the expense of all other religious communities must be stopped. Ministerial posts restricted to certain individuals must be removed as well. The government must also stop issuing ID cards which bear an individual's religion on them.