



BRUNEI DARUSSALAM

UPDATED ASSESSMENT OF R2P IMPLEMENTATION 2023



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Little changed within Brunei Darussalam since the last R2P assessment. The country remains a small monarchy that has been governed under emergency powers since 1962, and there remain various concerns about human rights protection and discrimination, especially concerning children, women, citizenship/statelessness and migrant workers. It continues to neither explicitly endorse nor reject R2P and it has generally abstained from voting on General Assembly resolutions relating to country specific human rights violations, including in relation to atrocity crimes and prevention.

Brunei has not experienced atrocity crimes and there are no serious risks associated with atrocity crimes. Although there remain no reports of major or violent violations of human rights, civil society and press freedom is compromised by emergency governing powers, and freedom of assembly and association is highly restricted. The new Syariah Penal Code criminalizes exposing Muslim children, or the children of parents who have no religion, to the beliefs and practices of any religion other than Islam.

Brunei maintains its ratification of only four (along with one signature) of the twelve key human rights instruments most relevant to R2P. Additionally, equal access to judicial institutions is still weak, as are laws protecting vulnerable groups. Brunei has ratified the Geneva Conventions but there is very limited domestic legislation addressing atrocity crimes.

Given its size, it is not surprising that Brunei has not taken measures to implement R2P and it must be acknowledged that neither has Brunei looked to block R2P-related measures or activities, either at the UN or within the region. resolutions relating to country-specific human rights violations. However, Brunei has on occasion supported

Brunei, for example, attempted to mediate in Myanmar, and has since continued to refrain from engagement with the military dictatorship. Brunei has also raised its support for Palestine in recent years.

For its size, Brunei maintains a decent contribution to UN peacekeeping, especially in Lebanon (UNIFIL).

Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes.	Very Strong Unchanged	Brunei remains one of the most stable countries within the Asia Pacific, due to the unchallenged and authoritarian rule of its sultan. While this does result in chronic and widespread human rights abuses, it has enabled a remarkably consistent governance structure that effectively protects its population from atrocity crimes.
	Reduction of atrocity crime risks.	Very Strong Unchanged	A purely autocratic regime under a perpetual state of emergency since 1962, and the same head of state since 1967, sees the continuation of repressive policies towards certain groups in Bruneian society. However, Brunei's relatively high standard of living and centralised government under the sultan sees risks of atrocity crimes, while not non-existent, remain very low.
	Dealing with past atrocities.	Very Strong Unchanged	Brunei's lack of widespread atrocities in its past makes it something of an outlier in the Asia Pacific.
Policy Mechanisms Brunei	Appoint national R2P Focal Point.	Very Weak Unchanged	Brunei has yet to appoint a national R2P Focal Point.
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.	Very Weak Unchanged	There is no new evidence to suggest Brunei has done this.
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.	Very Weak Unchanged	No evidence of such domestic mechanisms could be found in Brunei.
International Human Rights Obligations	Sign, ratify and implement relevant instruments of international law.	Very Weak Unchanged	There is no update for this Indicator. Brunei has only signed four of the 12 international human rights treaties most relevant to R2P. It has signed, but not ratified, another (the <i>Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</i> [CAT]).
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.	Very Weak Unchanged	Brunei has not signed or ratified the <i>Rome Statute of the International Criminal Court</i> .
	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.	Very Weak Unchanged	There remain no national human rights institutions in Brunei. ¹ No organisation, domestic or international, worked directly on human rights issues for fear of government censoring. ²
	Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.	Very Weak Unchanged	Human rights remain incredibly restricted in Brunei. Brunei's state of emergency, in place since 1962, gives the Sultan wide powers with little to no limitation. Thus, many civil liberties are highly curtailed or non-existent, including freedoms of assembly and association, freedom of the press and freedom of religion. People on the LGBTIQ+ spectrum have their rights severely curtailed and face widespread discrimination from Bruneian authorities and wider society. ³

¹ Global Alliance of National Human Rights Institutions (GANHRI), 2023. *Members*, <https://ganhri.org/membership/>.

² U.S Department of State, 2023. *2022 Country Reports on Human Rights Practices: Brunei*, 'Section 5. Government Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights', <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/brunei/>.

³ Ibid, 'Section 2. Respect for Civil Liberties'; Freedom House, 2023. *Freedom in the World 2023: Brunei*, <https://freedomhouse.org/country/brunei/freedom-world/2023>. Monitoring of internal matters in Brunei by international NGOs remains difficult, as the government, under control of the Sultan, restricts their ability to report accurately. Information on Brunei

Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.	Fair Unchanged	There is no update for this Indicator. Brunei's next UPR is set for 2024. ⁴
Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.	Weak Unchanged	There is no further update for this Indicator. The lone UN request for a visit by a Special Rapporteur on torture, slated for 2019, remains pending. ⁵
Ensure equal access to justice.	Weak Unchanged	There seems to be little change to this Indicator. Brunei continues to operate a dual legal system of secular law and Sharia law. Judgements from these systems appear largely to be respected ⁶ and arrest and trial procedures were mostly in line with human rights standards. While Brunei appears to enforce its de facto moratorium on the death penalty, it still exists in national laws, and punishments including caning and stoning are still in force for acts that include consensual same-sex activities. ⁷
Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.	Weak Unchanged	No update could be found for this Indicator.
Take measures to counter and prevent violent extremism.	Fair Unchanged	Brunei's commitment to countering extremism and terrorism remains relatively strong. While the country continues to have strong regional and international links to counter extremist ideologies, some argue Brunei's institutionalised Islam has been a key factor in not allowing outside extremist influences to take hold within Brunei. ⁸
Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.	Weak Unchanged	There is no update on this Indicator. Brunei does have laws in place that criminalise rape and provide for the protection of women and girls. However, rape against men and spousal rape is not criminalised, and female genital mutilation is seen as a religious rite under Islam, and therefore is also not criminalised. ⁹ There remains a dearth of data on the prevalence of sexual violence within Brunei
Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law.	Weak Unchanged	Brunei has no system in place to process refugees and migrants. While data is hard to find, there is estimated to be a large number of stateless persons within the country. While they are granted an identity card, they are not full citizens unless they

from Human Rights Watch and Amnesty International, usually sources of robust reporting, was out of date by at least a year at the time of writing.

⁴ UPR Info, 2023. *Brunei Darussalam*, <https://www.upr-info.org/en/review/brunei-darussalam>.

⁵ United Nations Human Rights Office of the High Commissioner (UNOHCHR), n.d. *View Country visits of Special Procedures of the Human Rights Council since 1998*, <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=BRN&Lang=en>.

⁶ This occurs despite the sultan appointing higher-court judges himself, and the legislative branch of government being under administrative control of the Prime Minister's Office (i.e., the sultan).

⁷ Freedom House, 2023. *Freedom in the World 2023: Brunei*, 'F. Rule of Law'; U.S Department of State, 2023. *2022 Country Reports on Human Rights Practices: Brunei*, 'Section 1. Respect for the Integrity of the Person: e. Denial of Fair Public Trial', 'Section 6. Discrimination and Societal Abuses: Acts of Violence, Criminalization, and other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics'.

⁸ Islamic Military Counter Terrorism Coalition, 2022. *Brunei Safe Oasis in Turbulent Region, a Modern History Free of Terrorism*, <https://www.imctc.org/en/eLibrary/IMCTCBulletin/Topics/Pages/IMCTCBulletinTopic2.aspx>; Zawai, Majdey, 2021. 'Combating Religious Extremism Through a Whole-of-Government Approach: The Bruneian Experience'. *stratsea*, 29 November. Available at: <https://stratsea.com/combating-religious-extremism-through-a-whole-of-government-approach-the-bruneian-experience/>.

⁹ U.S Department of State, 2023. *2022 Country Reports on Human Rights Practices: Brunei*, 'Section 6. Discrimination and Societal Abuses: Women'.

			pass a citizenship test. To be eligible for the test, they must be adults born in the country and had to have resided there for at least 12 years. ¹⁰ Even those that do pass the test may have to wait up to a decade or more before being granted citizenship.
Domestic Implementation	Conduct a national assessment of risk and resilience.	Very Weak Unchanged	Due to the opaqueness of Brunei's government, there is no evidence the country has undertaken a national assessment of atrocity risk.
	Cultivate and protect an active, diverse and robust civil society.	Very Weak Unchanged	No significant updates have been found for this Indicator. Brunei remains an absolute monarchy, with much media and civic space being tightly controlled or practicing self-censorship to avoid being seen to challenge the sultan's authority or the country's concept of Malay Islamic Monarchy. ¹¹ This extends to online spaces, where the debate does not extend to anything remotely linked to the sultanate. ¹²
	Ensure a legitimate, effective and civilian controlled security sector.	Fair Unchanged	There is no update for this Indicator.
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.	Fair Increase	The majority of Brunei's education system is free or heavily subsidised by the government. The language of instruction is both Malay and English, although Chinese and Arabic are also present in specialised schools. ¹³
	Prevent nationals committing atrocity crimes overseas.	Very Weak Unchanged	Services for students with a disability are increasingly being provided by the government. ¹⁴ No evidence could be found to suggest a change in this Indicator.
Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Very Weak Unchanged	Brunei has not participated in any discussion regarding R2P in the last year.
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.	Very Weak Decrease	Brunei has done little to encourage others to further atrocity prevention. After its mediation efforts towards Myanmar as Chair of ASEAN in 2021, it continued to not engage with the military dictatorship along with several other ASEAN States. ¹⁵ Despite this aversion, there is no evidence they have actively engaged with stakeholders in the region to further R2P. At the UN, Brunei has continued its tradition of abstaining from voting on resolutions referencing R2P. UN General Assembly Resolutions: ¹⁶ <ul style="list-style-type: none"> 2021: Terrorism and human rights A/RES/76/169: adopted without vote.

¹⁰ Ibid., 'Section 2. Respect for Civil Liberties: E. Protection of Refugees, 'G. Stateless Persons'.

¹¹ Ibid., 'Section 2. Respect for Civil Liberties: A. Freedom of Expression, Including for Members of the Press and Other Media'.

¹² Reporters Without Borders, 2023. *Brunei*, 'Political context', <https://rsf.org/en/country/brunei>.

¹³ Education Destination Asia, n.d. *School Education System in Brunei*, <https://educationdestinationasia.com/essential-guide/brunei/brunei-education-system>; Study Country, n.d. *Education in Brunei Darussalam*, <https://www.studycountry.com/guide/BN-education.htm>.

¹⁴ U.S Department of State, 2023. *2022 Country Reports on Human Rights Practices: Brunei*, 'Section 6. Discrimination and Societal Abuses: Persons with Disabilities'.

¹⁵ United Nations, Human Rights Council, *Illegal and Illegitimate: Examining the Myanmar military's claim as the Government of Myanmar and the international response*, 31 January 2023, A/HRC/52/CRP.2, p. 40, para. 179.

¹⁶ Global Centre for the Responsibility to Protect (GCR2P), 2022. *UN General Assembly Resolutions Referencing R2P*, <https://www.globalr2p.org/resources/un-general-assembly-resolutions-referencing-r2p-2/>. (Voting records for UN resolutions can be found here: <https://digitallibrary.un.org/?ln=en>.)

			<ul style="list-style-type: none"> • 2021: Situation of human rights in the Democratic People’s Republic of Korea A/RES/76/177: adopted without vote. • 2021: Situation of human rights in the Syrian Arab Republic A/RES/76/228: abstained. • 2022: Extrajudicial, summary or arbitrary executions A/RES/77/218: abstained. • 2022: Situation of human rights in the Democratic People’s Republic of Korea A/RES/77/226: adopted without vote. • 2022: Situation of human rights of Rohingya Muslims and other minorities in Myanmar A/RES/77/227: adopted without vote. • 2022: Situation of human rights in the Syrian Arab Republic A/RES/77/230: abstained.
	Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.	Weak Unchanged	Once Brunei stepped down from the rotating chair of ASEAN, their efforts in regional diplomacy likewise seemed to slip into obscurity. With the onset of the Russo-Ukrainian War, Brunei released a statement condemning the invasion, ¹⁷ and voted in favour of two resolutions at the General Assembly condemning the invasion. ¹⁸ However, beyond rhetorical support for Ukraine and territorial sovereignty, no other evidence could be found of Brunei proactively supporting atrocity prevention.
	Strengthen regional and international networks for atrocity crime prevention.	Very Weak Unchanged	Brunei remains a member of many regional bodies. Yet, they take little to no action regarding atrocity prevention through these networks.
	Strengthen the role and capacity of regional organisations.	Very Weak Unchanged	Similar to the previous Indicator, there is no evidence to support Brunei strengthening any regional organisations it is a part of.
	Support the development and work of regional human rights and other preventive capacities.	Very Weak Decrease	There is no evidence to support Brunei supporting the work of regional human rights bodies.
	Support atrocity prevention through development and assistance partnerships.	Weak Increase	Brunei maintains strong rhetorical support for Palestine, ¹⁹ which filters through into wider society and Brunei’s limited civic space. ²⁰ Yet, this support is minimal or ad hoc at best.
United Nations, prevention, Peacekeeping, and assistance	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P.	Very Weak Unchanged	There is no update on this Indicator.
	Support the strengthening of the UN’s capacity for atrocity	Weak Unchanged	Brunei maintains broad support for the UN system ²¹ and is a proponent for peace, stability, and territorial integrity, as seen by its voting patterns

¹⁷ Ministry of Foreign Affairs Brunei Darussalam, 2022. *Brunei Darussalam’s Statement on the Situation in Ukraine*, <https://www.mfa.gov.bn/Lists/Press%20Room/news.aspx?id=969&source=https://www.mfa.gov.bn/site/home.aspx>; Bandial, Ain, 2022. ‘Brunei troubled by military action in Ukraine’. *The Scoop*, 28 February. Available at: <https://thescoop.co/2022/02/28/brunei-condemns-military-action-in-ukraine/>. This statement was welcomed by Brunei-based envoys of countries that are actively supporting Ukraine and its military. Vongpaseuth, Chintana et al. 2022. “We stand in solidarity with Ukraine”. *The Scoop*, 15 March. Available at: <https://thescoop.co/2022/03/15/we-stand-in-solidarity-with-ukraine/>.

¹⁸ Haddad, Mohammed, 2023. ‘Where does your country stand on the Russia-Ukraine War?’ *Al Jazeera*, 16 February. Available at: <https://www.aljazeera.com/news/2023/2/16/mapping-where-every-country-stands-on-the-russia-ukraine-war>.

¹⁹ United Nations, 2022. *Message of Solidarity with the Palestinian People – Brunei Darussalam*, <https://www.un.org/unispal/document/message-of-solidarity-with-the-palestinian-people-brunei-darussalam/>.

²⁰ Mazidah Mohamad, Siti, 2023. ‘The “Future-Ready Youth” of Brunei Darussalam: Meeting National Aspirations through Digital Civic Engagement’. *ISEAS Yusof Ishak Institute*, 21 January. Available at: <https://www.iseas.edu.sg/articles-commentaries/iseas-perspective/2023-3-the-future-ready-youth-of-brunei-darussalam-meeting-national-aspirations-through-digital-civic-engagement-by-siti-mazidah-mohamad/>.

²¹ This includes enduring commitment to the Sustainable Development Goals. United Nations Sustainable Development Group, n.d. *Brunei Darussalam*, <https://unsdg.un.org/un-in-action/brunei-darussalam>.

	prevention, including through the UN Human Rights system.		over Russia's invasion of Ukraine. Yet, atrocity prevention is not explicitly mentioned in this engagement.
	Support preventive actions on atrocity crimes.	Very Weak Unchanged	Once again, there was no information that could be found to support Brunei's efforts regarding this Indicator.
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).	Fair Unchanged	Brunei maintains its peacekeeping contribution to UNIFIL, with 30 personnel stationed there. ²²
	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.	Very Weak Unchanged	No update could be found for this Indicator. While Brunei does participate in training exercises with other militaries within the region, ²³ there is no evidence they train peacekeepers on the specifics of civilian protection.
	Support the Kigali Principles.	Very Weak Unchanged	There is no update for this Indicator.
	Support UN Security Council veto restraint on issues relating to atrocity prevention.	Very Weak Unchanged	There is no update for this Indicator. Brunei remains a non-signatory to efforts to support veto restraint in the case of mass atrocities.

²² United Nations Peacekeeping, 2023. *Troop and Police Contributors*, <https://peacekeeping.un.org/en/troop-and-police-contributors>. (Brunei can be selected from the drop-down menu.)

²³ For example: Australian Government Department of Defence, 2021. *Training manoeuvres with Brunei Navy a success*, <https://www.defence.gov.au/news-events/news/2021-06-04/training-manoevres-brunei-navy-success>.