



# BRUNEI DARUSSALAM

## UPDATED ASSESSMENT OF R2P IMPLEMENTATION 2022



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The following Updated Assessment Annex provides an overview of Brunei Darussalam's efforts in implementing R2P as of 2022. For a full description of the methodology used in this study, see Part II of 'Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges', available [here](#). For more information on R2P implementation in the Asia Pacific in 2022, see the updated assessment [here](#).

# BRUNEI DARUSSALAM

Little changed within Brunei Darussalam since the last R2P assessment in 2019. 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. It has made no formal statements on R2P, and has largely abstained from voting on General Assembly resolutions relating to country specific human rights violations. However, Brunei has on occasion supported collective action to protect populations from atrocity crimes, which was reflected in its role as ASEAN Chair in 2021. For its size, Brunei maintains a decent contribution to UN peacekeeping, especially in Lebanon (UNIFIL).

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Assessment	Indicator
<b>Very Strong</b>	Protection of populations from atrocity crimes
	Reduction of atrocity crime risks
	Dealing with past atrocities
<b>Fair</b>	Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council
	Take measures to counter and prevent violent extremism
	Ensure a legitimate, effective and civilian controlled security sector
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate)
<b>Weak</b>	Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations
	Ensure equal access to justice
	Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity
	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence
	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect
	Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.
	Support the development and work of regional human rights and other preventive capacities
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system
<b>Very Weak</b>	Appoint national R2P Focal Point
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect
	Sign, ratify and implement relevant instruments of international law
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court
	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles
	Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination
	Conduct a national assessment of risk and resilience
	Cultivate and protect an active, diverse and robust civil society

	Prevent nationals committing atrocity crimes overseas
	Participate in international, regional and national discussions on the further advancement of R2P
	Strengthen regional and international networks for atrocity crime prevention
	Strengthen the role and capacity of regional organisations
	Support atrocity prevention through development and assistance partnerships
	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P
	Support preventive actions on atrocity crimes
	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping
	Support the Kigali Principles
	Support UN Security Council veto restraint on issues relating to atrocity prevention

Brunei 2022 Score: 21

Brunei 2019 Score: 23

Difference: - 2 

A small kingdom, Brunei keeps an ambiguous position regarding atrocity prevention, having neither affirmed nor rejected R2P. This is reflected in practice. While possessing sustained human rights issues, it confronts no serious atrocity crime risks and has adopted relatively few proactive measures, despite becoming ASEAN Chair in 2021 and overseeing the bloc's response to Myanmar's coup. It has not promoted atrocity prevention internationally, but has not looked to block it either.

Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes.	Very Strong Unchanged	Despite human rights abuses against some sectors of its society, for the most part Brunei's government, under direct leadership of its Sultan, protects its population from atrocity crimes.
	Reduction of atrocity crime risks.	Very Strong Unchanged	There is continued risk of human rights violations against certain sectors of the population under Sharia Law in Brunei. New implementation of the laws and judicial interference mean this risk is heightened, specifically for non-citizens, women, and those of the LGBTIQ+ community. However, Brunei's continued investment in education and economic development and its effective control over its security forces means the risk of mass atrocities within the country remains small.
	Dealing with past atrocities.	Very Strong Unchanged	Brunei's lack of widespread atrocities in the past means it is unique amongst countries within the Asia Pacific.
Policy Mechanisms	Appoint national R2P Focal Point.	Very Weak Unchanged	Brunei has not appointed an official to act as the country's R2P Focal Point. <sup>1</sup>
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.	Very Weak Unchanged	There is no evidence that Brunei has yet to incorporate atrocity crime risks into any conflict analysis or development partnerships.
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.	Very Weak Unchanged	There is some evidence that Brunei's political apparatus, under the direct control of the Sultan, has put in place measures to tackle corruption. However, there is no evidence of atrocity prevention or the responsibility to protect in any accountability mechanisms. <sup>2</sup>
International Human Rights Obligations	Sign, ratify and implement relevant instruments of international law.	Very Weak Unchanged	<p>There is no change to Brunei's ratification and implementation of international human rights laws relevant to R2P. They have signed and ratified four, these being:</p> <ul style="list-style-type: none"> <li>• <i>Geneva Conventions</i> (Ratification/Accession: 1991).</li> <li>• <i>Geneva Protocol I</i> (Ratification/Accession: 1991).</li> <li>• <i>Convention on the Elimination of All Forms of Discrimination against Women</i> [CEDAW] (Ratification/Accession: 2006).</li> <li>• <i>Convention on the Rights of the Child</i> [CRC] (Ratification/Accession: 1995).</li> </ul> <p>They have also signed, but not ratified, the <i>Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</i> [CAT] (Date of Signature: 2015).</p>
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.	Very Weak Unchanged	Brunei has yet to ratify the <i>Rome Statute of the International Criminal Court</i> . <sup>3</sup>

<sup>1</sup> Global Centre for the Responsibility to Protect (GCR2P), 2020. *Members of the Global Network of R2P Focal Points*, <https://www.globalr2p.org/resources/members-of-the-global-network-of-r2p-focal-points/>.

<sup>2</sup> Freedom House, 2020. *Freedom in the World 2020: Brunei*, 'C. Functioning of Government', <https://freedomhouse.org/country/brunei/freedom-world/2020>.

<sup>3</sup> International Criminal Court, n.d. *The States Parties to the Rome Statute*, [https://asp.icc-cpi.int/en\\_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#B](https://asp.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#B).

Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.	Very Weak Unchanged	There remains no independent human rights institution within Brunei. <sup>4</sup>
Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.	Very Weak Unchanged	<p>The status of human rights within Brunei remains dire. As an absolute monarchy with a long-standing state of emergency and with a strict penal code in place based around Sharia law, political, cultural, religious, and social freedoms are severely curtailed.</p> <p>While Brunei is an abolitionist in practice regarding the death penalty, death sentences are still enshrined in the Penal Code, with additional punishments having been phased in throughout 2019, including caning, amputation of hands and feet, and death by stoning.<sup>5</sup> There is no evidence however, that these measures have yet been implemented.</p> <p>Non-citizens, non-Muslims, and those in the LGBTIQ+ community remain vulnerable to human rights abuses carried out by Bruneian authorities and remain at risk of harsh punishments, including the death penalty.</p> <p>Despite not carrying out executions for years, Brunei voted against a recent UN resolution that was in favour of reiterating a moratorium on the death penalty.<sup>6</sup></p>
Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.	Fair Unchanged	<p>Brunei gave a response to their most recent UPR of May 2019 in November of that year. In its response, Brunei accepted 108 of the 220 recommendations, noting the other 112. While recommendations pertaining to the repeal of laws under the new Penal Code were broadly acknowledged, they did accept some recommendations to ratify the CAT.<sup>7</sup></p> <p>Brunei now has another report overdue, in addition to the three it already had. This report pertains to the CRC and is overdue by less than 5 years.<sup>8</sup></p>
Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.	Weak Decrease	Brunei has not yet extended a Standing Invitation to UN Human Rights mandate holders. A visit by the Special Rapporteur on Torture, requested to visit sometime in 2019, is still outstanding. <sup>9</sup>
Ensure equal access to justice.	Weak Unchanged	Justice proceedings within Brunei remain problematic. The country operates under dual judicial systems with some overlap between them. One is secular and inherited from the British legal system, while the other is based on Syariah (Sharia)

<sup>4</sup> Global Alliance of Human Rights Institutions (GANHRI), 2021. *Accreditation Status as of 20 January 2021*, <https://ganhri.org/membership/>.

<sup>5</sup> Amnesty International, 2021. *Brunei Darussalam*, <https://www.amnesty.org/en/countries/asia-and-the-pacific/brunei-darussalam/>; US Department of State, 2020. *Brunei 2019 Human Rights Report*, p. 2, <https://www.state.gov/wp-content/uploads/2020/02/BRUNEI-2019-HUMAN-RIGHTS-REPORT.pdf>; Freedom House, 2020. *Freedom in the World 2020: Brunei*.

<sup>6</sup> Human Rights Watch, 2020. *Asian Nations Reject UN Vote Against Death Penalty*, <https://www.hrw.org/news/2020/11/25/asian-nations-reject-un-vote-against-death-penalty>.

<sup>7</sup> See: UPR Info, 2021. *Responses to Recommendations: Brunei Darussalam*, p. 2, [https://www.upr-info.org/sites/default/files/document/brunei\\_darussalam/session\\_33\\_-\\_may\\_2019/2rps\\_brunei.pdf](https://www.upr-info.org/sites/default/files/document/brunei_darussalam/session_33_-_may_2019/2rps_brunei.pdf).

<sup>8</sup> UN Office for the High Commissioner for Human Rights (UNOHCHR), n.d. *Late and non-reporting States*, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/LateReporting.aspx](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/LateReporting.aspx).

<sup>9</sup> 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>.

law and contains harsh capital punishments for consensual same-sex relations and acts of theft and adultery.<sup>10</sup> Judges are appointed for three-year terms at the direct request of the Sultan. Despite this circumstance, judicial independence was generally upheld by the authorities, the principle of innocent until proven guilty is maintained, and arrest procedures and standards within prisons are generally open and upheld fairly.

However, there are exceptions. The *Internal Security Act* allows for preventative detention in cases of subversive activities and organised violence, and suspects can be detained without right to legal counsel or the presumption of innocence. Non-citizens, including long-time residents, are not offered the same protections citizens are. Furthermore, LGBTIQ+ individuals have their actions highly criminalised under Syariah law and the new Penal Code.<sup>11</sup>

Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.

Weak  
Unchanged

Despite having criminalised war crimes through the ratification of the *Geneva Conventions* and its adoption into domestic legislation through the *Geneva Conventions Order 2005*, no references to other atrocity crimes within Bruneian law could be found.

Take measures to counter and prevent violent extremism.

Fair  
Unchanged

Brunei remains committed to countering violent extremism within the region. As the chair of ASEAN in 2021, Brunei was also chair of an ASEAN Intergovernmental Commission on Human Rights consultation to counter violent extremism from the perspective of human, child, and gender-sensitive rights. Participants from ASEAN member states, the UN, and civil society developed recommendations to counter violent extremism while still respecting these rights.<sup>12</sup>

Brunei, along with key actors in the region, agreed in 2017 to develop a forum to discuss law enforcement and intelligence priorities relating to foreign fighters and terrorism.<sup>13</sup> They have continued to work with countries within the region regarding security and military issues.<sup>14</sup> Brunei has also conducted a national assessment of risk regarding money laundering and terrorist financing.<sup>15</sup> According to the Asia/Pacific Group on Money Laundering, of which Brunei is a member, it has made significant progress in enforcing

<sup>10</sup> For more details on how Islamic law is enforced within Brunei, see: United States Commission on International Religious Freedom, 2020. *Factsheet: Brunei*, <https://www.uscirf.gov/sites/default/files/2020%20Factsheet%20-%20Brunei.pdf>.

<sup>11</sup> Commonwealth Governance, 2021. *Judicial System of Brunei Darussalam*, [https://www.commonwealthgovernance.org/countries/asia/brunei\\_darussalam/judicial-system/](https://www.commonwealthgovernance.org/countries/asia/brunei_darussalam/judicial-system/); US Department of State, 2020. *Brunei 2019 Human Rights Report*, p. 3 – 6; Freedom House, 2020. *Freedom in the World 2020: Brunei*, ‘F. Rule of Law’.

<sup>12</sup> ASEAN, 2021. *AICHR holds consultation to prevent and counter violent extremism in ASEAN*, <https://asean.org/aicmr-holds-consultation-prevent-counter-violent-extremism-asean/>.

<sup>13</sup> Parliament of Australia, 2017. *Sub-regional meeting on foreign terrorist fighters and cross border terrorism*, <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id:%22media/pressrel/5426809%22>; RTB News, 2017. *Sub Regional Meeting on Foreign Terrorist Fighters (FTF) and Cross Border Terrorism (CBT)*, <http://www.rtbnews.rtb.gov.bn/Lists/News/DispForm.aspx?ID=2644&ContentTypeId=0x0100AA1BCCD118BC9648BD0175EF8A615DAA>.

<sup>14</sup> For example, see: Australian Government Department of Foreign Affairs and Trade (DFAT), n.d. *Brunei Darussalam country brief*, ‘Defence and security links’, <https://www.dfat.gov.au/geo/brunei-darussalam/Pages/brunei-darussalam-country-brief>.

<sup>15</sup> Monetary Authority of Brunei Darussalam, 2017. *Preventing Money Laundering and Terrorist Financing*, <https://www.ambd.gov.bn/SiteAssets/Lists/Publications/6.%20Safeguards.pdf>.



	measures to limit its previous deficiencies in terrorist financing. <sup>16</sup>
Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.	<p>Weak Unchanged</p> <p>While Brunei legislation contains laws prohibiting and proscribing punishments for sexual violence against women and children, there is a paucity of data on both the rates of violence and the effectiveness of implementation of these laws.<sup>17</sup></p> <p>Wider discrimination remains against women, especially against those in the LGBTIQ+ community,<sup>18</sup> and marital rape and rape against men is not covered under laws.<sup>19</sup> Gaps in legislation such as these, as well as continued discrimination against LGBTIQ+ persons, ensure sexual and gender-based violence remains a problem within the country.</p>
Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law.	<p>Weak Unchanged</p> <p>Brunei maintains there are no asylum seekers in the country, while hosting a sizable stateless population within its borders. Accurate data to back this assertion is hard to come by.<sup>20</sup></p> <p>It is still not a State party to the <i>1951 Refugee Convention</i> or its <i>1967 Protocol</i>,<sup>21</sup> despite showing concern for the Muslim Rohingya refugees in Myanmar and Bangladesh in the past and to which it has given support. During its tenure as ASEAN chair, Brunei called a regional leaders' meeting to discuss solutions to the problem.<sup>22</sup></p>
Domestic Implementation	
Conduct a national assessment of risk and resilience.	<p>Very Weak Unchanged</p> <p>While it has undertaken national assessments into terrorism financing (see previous Indicator regarding countering violent extremism), there has been no assessment in Brunei relating to atrocity crime risk.</p>
Cultivate and protect an active, diverse and robust civil society.	<p>Very Weak Unchanged</p> <p>Civil society in Brunei remains largely small and inconsequential. The Sultan is the absolute monarch of the State and exercises executive power. There is no genuine political opposition, and the workings of Brunei's government are largely unknown, as there is little transparency. While there are some civil society organisations that work with the government, self-censorship within them remains high to ensure continued cooperation and limit the risk of arrest.<sup>23</sup></p> <p>Self-censorship is also prevalent in the State-controlled media, where harsh sedition laws bring long prison terms if articles or blogs are deemed as blasphemy or as critical of the Sultanate. According to Reporters Without Borders (RSF), Brunei is</p>

<sup>16</sup> See downloadable link here: APG, 2021. *Members & Observers: Brunei Darussalam*, <http://www.apgml.org/members-and-observers/members/details.aspx?m=2bdc69a1-2844-4db3-8024-4000d87e9f0d>.

<sup>17</sup> UN Women, n.d. *Global Database on Violence Against Women: Brunei Darussalam*, <https://evaw-global-database.unwomen.org/fr/countries/asia/brunei-darussalam?typeofmeasure=2e5ec2dd28ec43039efbc3eba56f4fac>.

<sup>18</sup> For more information, see: International Gay and Lesbian Human Rights Commission, 2014. *Discrimination and Violence Against Women in Brunei Darussalam on the Basis of Sexual Orientation and Gender Identity*, [https://outrightinternational.org/sites/default/files/Brunei1014WCover\\_0.pdf](https://outrightinternational.org/sites/default/files/Brunei1014WCover_0.pdf).

<sup>19</sup> US Department of State, 2020. *Brunei 2019 Human Rights Report*, p. 14 – 16.

<sup>20</sup> Global Detention Project, 2021. *Brunei Darussalam*, <https://www.globaldetentionproject.org/countries/asia-pacific/brunei-darussalam>. Lack of data is also due to the general lack of transparency in Brunei's governmental processes.

<sup>21</sup> Access links to a list of signatories here: United Nations High Commissioner for Refugees (UNHCR), 2021. *The 1951 Refugee Convention*, <https://www.unhcr.org/en-au/1951-refugee-convention.html>.

<sup>22</sup> VOA News, 2021. 'Brunei Calls for ASEAN Meeting to Discuss Myanmar Solution'. *VOA News*, 5 April. Available at: <https://www.voanews.com/east-asia-pacific/brunei-calls-asean-meeting-discuss-myanmar-situation>.

<sup>23</sup> US Department of State, 2020. *Brunei 2019 Human Rights Report*, p. 12 – 13; Freedom House, 2020. *Freedom in the World 2020: Brunei*.

			ranked 154 out of 179 (down two places since 2020). <sup>24</sup>
			General civil liberties are highly curtailed, due to enduring state of emergency restrictions. Freedom House ranks Brunei as 28/100 (giving it the status ‘Not Free’), <sup>25</sup> and CIVICUS considers Brunei’s civil space to be ‘Repressed’. <sup>26</sup>
	Ensure a legitimate, effective and civilian controlled security sector.	Fair Unchanged	According to the US State Department, the Sultan keeps effective control over Brunei’s military and security forces, with no reports of extrajudicial killings or disappearances. <sup>27</sup> No reports by human rights advocates dispute this, with any criticisms levelled not at security forces but at the capital punishments within Syariah laws and the continued discrimination against LGBTIQ+ individuals.
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.	Weak Unchanged	Due to heavy investment by the government, the education system in Brunei has been free for many years, with most enrolling in public primary and secondary schools from the ages of 5 to 15. <sup>28</sup> There are a range of different programs available for students of different levels and abilities, with options to go on to vocational and tertiary education. <sup>29</sup>
	Prevent nationals committing atrocity crimes overseas.	Very Weak Decrease	Tenets of Islam and loyalty to the State and the Sultan are still central in educational policy and within the national curriculum. <sup>30</sup> Despite barriers that remain, people with disabilities are increasingly helped to be included in the education system and in society more broadly. <sup>31</sup>
			Brunei has yet to sign the <i>Rome Statute of the International Criminal Court</i> . The country’s <i>Extradition Order 2006</i> , part of the constitution, stipulates grounds for refusal of an extradition to include an act deemed “...a political offence” which includes the offence of genocide. <sup>32</sup>
Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Very Weak Decrease	There is no evidence that Brunei has engaged in any multilateral discussions regarding R2P in the last two years.
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.	Weak Increase	Brunei Darussalam became the annual chair of ASEAN for 2021, taking over from Vietnam and promoting the theme of ‘We Care, We Prepare, We Prosper’. This broad theme was adopted in the wake of the COVID-19 pandemic and issues such as “...financial crises, energy shortages, natural

<sup>24</sup> RSF, 2021. *Brunei*, <https://rsf.org/en/brunei>.

<sup>25</sup> Freedom House, 2020. *Freedom in the World 2020: Brunei*.

<sup>26</sup> CIVICUS Monitor, 2021. *Brunei Darussalam*, <https://monitor.civicus.org/country/brunei-darussalam/>.

<sup>27</sup> US Department of State, 2020. *Brunei 2019 Human Rights Report*, p. 1 – 2.

<sup>28</sup> UNESCO, 2006. *Country Basic Information: Brunei Darussalam*, ‘Laws and other basic regulations concerning education’, [http://www.ibe.unesco.org/fileadmin/user\\_upload/archive/Countries/WDE/2006/ASIA\\_and\\_the\\_PACIFIC/Brunei\\_Darussalam/Brunei\\_Darussalam.htm](http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/ASIA_and_the_PACIFIC/Brunei_Darussalam/Brunei_Darussalam.htm).

<sup>29</sup> StudyCountry, 2021. *Education in Brunei Darussalam*, <https://www.studycountry.com/guide/BN-education.htm>.

<sup>30</sup> Ibid.

<sup>31</sup> The ASEAN Post Team, 2018. ‘Bringing inclusivity to Brunei’. *The ASEAN Post*, 17 June. Available at: <https://theaseanpost.com/article/bringing-inclusivity-brunei>; US Department of State, 2020. *Brunei 2019 Human Rights Report*, p. 18.

<sup>32</sup> Attorney General’s Chamber, 2006. *Constitution of Brunei Darussalam (Order under Article 83(3)) Extradition Order, 2006*, p. 308, [http://www.agc.gov.bn/AGC%20Images/LAWS/Gazette\\_PDF/2006/EN/s010.pdf](http://www.agc.gov.bn/AGC%20Images/LAWS/Gazette_PDF/2006/EN/s010.pdf); United Nations Office on Drugs and Crime, 2013. *Guide to Extradition from East Asia and the Pacific region*, [https://www.unodc.org/documents/southeastasiaandpacific/2013/07/mla/Guide\\_To\\_Extradition.pdf](https://www.unodc.org/documents/southeastasiaandpacific/2013/07/mla/Guide_To_Extradition.pdf).

disasters and climate change.”<sup>33</sup> Brunei has set out a series of deliverables to address these issues, which include the promotion of a Youth, Peace and Security Agenda and measures to further gender equality, yet do not specifically mention R2P or atrocity prevention.<sup>34</sup>

With Myanmar’s military coup in February, Brunei, as chair of ASEAN, undertook a mediation role between member states that condemned the coup and those who were more circumspect, in an effort to adhere to ASEAN’s priority of non-interference. Despite keeping communication open with leaders of the junta and efforts to ensure consensus within the bloc,<sup>35</sup> on 17 October 2021, ASEAN excluded Myanmar’s junta leader from an impending summit.<sup>36</sup> The decision was made in retaliation for the junta not acceding to ASEAN’s roadmap to peace in Myanmar and to ensure the credibility of the regional organisation was upheld, after ASEAN was criticised by other stakeholders on its reticence in responding to the coup and the ensuing violence.<sup>37</sup>

Regarding UN General Assembly Resolutions that have referenced atrocity crimes and R2P, Brunei has once again abstained from voting.

#### UN General Assembly Resolutions:<sup>38</sup>

- 2018: Extrajudicial, summary or arbitrary executions A/RES/73/172: **abstained**.
- 2018: Situation of human rights in the Democratic People’s Republic of Korea A/RES/73/180: **adopted without vote**.
- 2018: Situation of human rights in the Syrian Arab Republic A/RES/73/182: **abstained**.
- 2019: Situation of human rights in the Democratic People’s Republic of Korea A/RES/74/166: **adopted without vote**.
- 2019: Situation of human rights in the Syrian Arab Republic A/RES/74/169: **abstained**.
- 2020: Situation of human rights in the Democratic People’s Republic of Korea A/RES/75/190: **adopted without vote**.
- 2020: Extrajudicial, summary or arbitrary executions A/RES/75/189: **abstained**.
- 2020: Situation of human rights in the Syrian Arab Republic A/RES/75/193: **abstained**.

<sup>33</sup> Government of Brunei Ministry of Foreign Affairs, 2021. *ASEAN Summit Brunei 2021*, ‘His Majesty’s Remarks’, <https://asean2021.bn/asean-brunei-2021/his-majesty's-remarks>.

<sup>34</sup> Government of Brunei Ministry of Foreign Affairs, 2021. *ASEAN Summit Brunei 2021*, ‘Brunei Darussalam’s ASEAN Chairmanship 2021 Deliverables’, <https://asean2021.bn/asean-brunei-2021/deliverables>.

<sup>35</sup> Moez Hayat, 2021. *Brunei faces a tough year as ASEAN Chair*, <https://www.eastasiaforum.org/2021/04/20/brunei-faces-a-tough-year-as-asean-chair/>.

<sup>36</sup> Ain Bandial, 2021. ‘ASEAN excludes Myanmar junta leader from summit in rare move’, *Reuters*, 17 October. Available at: <https://www.reuters.com/world/asia-pacific/asean-chair-brunei-confirms-junta-leader-not-invited-summit-2021-10-16/>.

<sup>37</sup> *Ibid.*

<sup>38</sup> GCR2P, 2021. *UN General Assembly Resolutions Referencing R2P*, <https://www.globalr2p.org/resources/un-general-assembly-resolutions-referencing-r2p-2/>. (Voting records for each resolution were accessed using the UN’s Digital Library: General Assembly of the United Nations, n.d. *Voting Records*, <https://www.un.org/en/ga/documents/voting.asp>.)

			<ul style="list-style-type: none"> <li>2021: Promoting a culture of peace and tolerance to safeguard religious sites A/RES/75/258: <b>adopted without vote.</b></li> <li>2021: The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity A/RES/75/277: <b>abstained.</b></li> </ul>
	Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.	Weak <b>Increase</b>	Brunei has, through its chairmanship of ASEAN, undertaken diplomatic overtures with the junta in Myanmar following the coup. Brunei's deputy foreign minister, Erywan Yusof, was named as ASEAN's special envoy to Myanmar to mediate the violence in the country. <sup>39</sup> While this development is encouraging, the practical effectiveness of this position in stymying the violence within Myanmar remains to be seen.
	Strengthen regional and international networks for atrocity crime prevention.	Very Weak <b>Decrease</b>	While Brunei is a member of many regional organisations other than ASEAN (for example, the East Asia Summit (EAS), Asia Pacific Economic Cooperation (APEC) and the Commonwealth), little evidence could be found of Brunei promoting atrocity prevention through these networks. Likewise, bilateral relations with other countries usually include economic, education and defence ties, but no explicit emphasis on atrocity prevention. <sup>40</sup>
	Strengthen the role and capacity of regional organisations.	Very Weak <b>Unchanged</b>	Beyond its one-year role as chair of ASEAN, no evidence could be found of Brunei strengthening the roles and capacities of regional organisations, in atrocity prevention or otherwise.
	Support the development and work of regional human rights and other preventive capacities.	Weak <b>Unchanged</b>	Outside some of its deliverables regarding its ASEAN theme that touch on human rights issues (see previous Indicator), little seems to have been done by Brunei to support regional prevention efforts.
	Support atrocity prevention through development and assistance partnerships.	Very Weak <b>Unchanged</b>	Brunei launched a humanitarian fund for Palestinians in the Gaza Strip following civilian deaths from Israeli airstrikes. <sup>41</sup> This follows on from previous efforts by Brunei to help Palestinians through the UN. However, there is no evidence that atrocity prevention is supported in any of its partnerships with countries or organisations.
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 <b>Decrease</b>	There is no information from the last two years to suggest Brunei has supported the efforts of the UN Office on Genocide Prevention and R2P.
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system.	Weak <b>Unchanged</b>	Atrocity prevention and human rights, either through the UN or other regional or national mechanisms, does not seem to be a priority of Brunei and no information could be found regarding this matter.  However, Brunei has continued to engage with the 2030 Sustainable Development Goals (SDGs) through its Wawasan Brunei 2035 plan. It released its first Voluntary National Review Report at the

<sup>39</sup> Kentaro Iwamoto and Dominic Faulder, 2021. 'ASEAN picks Brunei's Yusof as its special envoy to Myanmar', *Nikkei Asia*, 4 August. Available at: <https://asia.nikkei.com/Spotlight/Myanmar-Crisis/ASEAN-picks-Brunei-s-Yusof-as-its-special-envoy-to-Myanmar>.

<sup>40</sup> For example, Brunei has strong educational and defence ties with both Australia and New Zealand. New Zealand Foreign Affairs and Trade, n.d. *Brunei Darussalam*, <https://www.mfat.govt.nz/en/countries-and-regions/asia/brunei-darussalam/>; Australian Government Department of Foreign Affairs and Trade, n.d. *Brunei Darussalam country brief*, <https://www.dfat.gov.au/geo/brunei-darussalam/brunei-darussalam-country-brief>.

<sup>41</sup> Rasidah Hj Abu Bakar, 2021. 'Brunei sets up humanitarian fund for Palestine', *The Scoop*, 26 May. Available at: <https://thescoop.co/2021/05/26/brunei-sets-up-humanitarian-fund-for-palestine/>.

		2020 High-Level Political Forum for Sustainable Development. <sup>42</sup> While not directly linked to atrocity prevention, Brunei's efforts to improve the health and educational outcomes of its citizens would likely increase structural prevention measures of atrocity crimes.
Support preventive actions on atrocity crimes.	Very Weak Unchanged	No information could be found of Brunei supporting preventive actions on atrocity crimes.
Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).	Fair Unchanged	Despite Brunei's small military capacity and its continued reliance on British personnel, the country has continued to send a contingent of peacekeepers to the United Nations Interim Force in Lebanon (UNIFIL) since 2008. <sup>43</sup> They currently have 30 personnel stationed there. <sup>44</sup>
Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.	Very Weak Decrease	Brunei plays host to a military training centre with Singapore and a jungle warfare school with the United Kingdom. <sup>45</sup> There is no evidence however that these facilities enhance the capabilities of their military forces for civilian protection.
Support the Kigali Principles.	Very Weak Unchanged	Brunei does not support the Kigali Principles on the Protection of Civilians.
Support UN Security Council veto restraint on issues relating to atrocity prevention.	Very Weak Unchanged	Brunei remains a non-signatory of both the ACT Code of Conduct <sup>46</sup> and the Political Declaration on Suspension of Veto in the event of mass atrocities. <sup>47</sup>

<sup>42</sup> See: Brunei Darussalam Ministry of Finance and Economy, 2020. *2020 United Nations High-Level Political Forum on Sustainable Development: Voluntary National Review Report of Brunei Darussalam*, [https://sustainabledevelopment.un.org/content/documents/26410VNR\\_2020\\_Brunei\\_Report.pdf](https://sustainabledevelopment.un.org/content/documents/26410VNR_2020_Brunei_Report.pdf).

<sup>43</sup> Xinhua, 2020. 'Brunei sends 30 army personnel to Lebanon peace-keeping mission', *XinhuaNet*, 23 September. Available at: [http://www.xinhuanet.com/english/2020-09/23/c\\_139390964.htm](http://www.xinhuanet.com/english/2020-09/23/c_139390964.htm).

<sup>44</sup> UNIFIL, 2021. *UNIFIL Troop-Contributing Countries*, <https://unifil.unmissions.org/unifil-troop-contributing-countries>.

<sup>45</sup> CIA World Factbook, 2021. *Brunei*, 'Military and Security', <https://www.cia.gov/the-world-factbook/countries/brunei/#military-and-security>.

<sup>46</sup> GCR2P, 2019. *List of Signatories to the ACT Code of Conduct*, <https://www.globalr2p.org/resources/list-of-signatories-to-the-act-code-of-conduct/>.

<sup>47</sup> GCR2P, 2020. *List of Supporters of the Political Declaration on Suspension of Veto*, <https://www.globalr2p.org/resources/list-of-supporters-of-the-political-declaration-on-suspension-of-veto/>.