



DEBATE PACK

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LGBT rights in Brunei

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The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

1. Background

The introduction of strict new Islamic laws in Brunei that make homosexual acts and adultery offences punishable by stoning to death has provoked widespread condemnation.

In 2014 Brunei became the first East Asian country to adopt strict Islamic sharia law. The revised penal code, Syariah Penal Code Order 2013, was introduced in three stages, the last of which came into force on 3 April.¹ [Human Rights Watch](#), which described the code as “barbaric” states the penal code “requires death by stoning for extramarital sex, anal sex, and abortion; amputation of limbs for stealing; and 40 lashes with a whip for lesbian sex”.

The [UN High Commissioner for Human Rights](#) Michelle Bachelet called on the Government of Brunei to halt the entry into force of “this draconian new penal code”. The UN said the revised code:

stipulate the death penalty for offences such as rape, adultery, sodomy, extramarital sexual relations for Muslims, robbery, and insult or defamation of the Prophet Mohammad, among others. It introduces public flogging as a punishment for abortion, and amputation for theft. It also criminalises exposing Muslim children to the beliefs and practices of any religion other than Islam.

Brunei currently retains the death penalty in law but the country has been abolitionist in practice, with the last execution carried out in 1957.

The European Commission and US State department noted the penalties are counter to Brunei’s international human rights obligations. [Human Rights Watch](#) has provided an explanation of how the code violates these obligations.

Mark Field, the Minister for Asia and the Pacific, gave an [oral statement](#) on 4 April 2019 on Brunei. He said:

this Government consider it appalling that, in the 21st century, people anywhere are still facing potential persecution and discrimination because of who they are and whom they love. We strongly support and defend the rights of the LGBT+ community here in the UK and all around the world.

Labour and the SNP raised the possibility of suspending Brunei from the Commonwealth.

Sultan Hassanal Bolkiah has governed Brunei since 1967 following the abdication of his father, Sir Haji Omar Ali Saifuddin. He is one of the world’s longest-reigning and few remaining absolute monarchs.²

Brunei and the UK have historically long ties. In 1888 Brunei became a British Protected State. Brunei was the only Malay state in 1963 which chose to remain so rather than join the federation that became

¹ Recent developments: introduction of Islamic law (Brunei Darussalam), in Europa World online. London, Routledge. House of Commons. Retrieved 05 April 2019 from <http://www.europaworld.com/entry/EE000442>

² [Brunei Country profile](#), BBC News, 9 January 2018

Malaysia. The United Kingdom remained responsible for Brunei's defence and external affairs until the Sultanate's declaration of independence in 1984. Upon independence the [Treaty of Friendship and Cooperation](#) in January 1979 (Cmd 7496) came into force in 1984.

The British Army has maintained a Gurkha battalion in Brunei since 1962. The [British army in Brunei](#) currently consists of an infantry battalion of Gurkhas and an Army Air Corps Flight of Bell 212 helicopters. The Jungle Warfare Division run courses for all members of the British Army.

The arrangement has been periodically renewed since 1962 by a series of agreements, known today as the Brunei Garrison Agreement, the most recent of which was signed in [2015](#) and lasts until 2020. According to a Downing Street [report](#) on the meeting between the Prime Minister and the Sultan of Brunei in 2015: “the Prime Minister noted that the garrison enables the UK to provide a permanent presence in South Asia while also providing an opportunity for British forces to undertake extreme environment training”.

The Times [reports](#) the Secretary of State for Defence is asking Brunei for assurances that LGBTI British service personnel deployed to Brunei will not be affected by the new rules.

The Sultan has a separate Gurkha Reserve Unit under his command – the [majority](#) of these are said to be former Army Gurkhas. The GRU numbers around 400-500 and come under the organisational structure of the Brunei [Ministry of Defence](#).

2. Press articles

The following is a selection of news and media articles relevant to this debate.

Please note: the Library is not responsible for either the views or the accuracy of external content.

[Calls for Sultan of Brunei to be stripped of two honorary military roles awarded by the Queen after ruling that gay people should be stoned to death](#)

Daily Mail
Chris Brooke
8 April 2019

[Will Brunei's anti-LGBT Sharia law spread across Southeast Asia?](#)

CNN
Ben Westcott
8 April 2019

[Labour urges action over new Brunei anti-LGBT laws](#)

BBC News
6 April 2019

[Should Brunei be expelled from the Commonwealth?](#)

The Week
5 April 2019

[Brunei hotels withdraw from social media amid anti-LGBT law backlash](#)

BBC News
Tom Gerken
5 April 2019

[More companies boycott Brunei over anti-gay laws](#)

CNN
Emily Dixon
5 April 2019

[As the Sultan of Brunei introduces stoning for homosexuals, Richard Pendlebury asks... Why is a crack battalion of British Royal Gurkha Rifles still protecting this gold-plated bigot?](#)

Daily Mail
Richard Pendlebury
5 April 2019

['Horrendous anti-LGBTQ+ laws may force me to leave Brunei'](#)

Sky News
4 April 2019

[The Guardian view on Brunei and stoning: don't leave it to celebrities to act](#)

The Guardian
4 April 2019

[Brunei should be suspended from Commonwealth over new law punishing gay sex with stoning to death, UK government told](#)

The Independent
Lizzy Buchan
4 April 2019

[Commonwealth Secretary-General calls for Brunei to revoke death by stoning for gay sex and adultery](#)

iNews
Benjamin Butterworth
4 April 2019

[Britain has the perfect opportunity to strike back against Brunei's horrific new anti-LGBT+ laws](#)

The Independent
Suraj Girijashanker
3 April 2019

[Brunei's LGBT community flees 'inhumane' new stoning laws](#)

CNN
Rebecca Wright and Alexandra Field
3 April 2019

[UN condemn Brunei's new 'inhuman' laws that will impose death by stoning for gay sex and amputations for theft](#)

Daily Mail
Dianne Apen-Sadler and George Martin
1 April 2019

[Brunei to punish gay sex with death by stoning under sharia law](#)

Sky News
29 March 2019

[Brunei introduces death by stoning as punishment for gay sex](#)

The Guardian
Hannah Ellis-Petersen
28 March 2019

3. Press releases

Statement on Brunei from the Minister of State for Asia **Foreign and Commonwealth Office** **3 April 2019**

Statement from the Minister of State for Asia, Mark Field on the new Sharia laws introduced in Brunei.

Minister of State for Asia, Mark Field said:

I am disappointed that hudud punishments under the Sharia Penal Code were introduced in Brunei today. This is despite the UK and the international community repeatedly raising our deep concerns regarding these laws with the Government of Brunei.

The UK strongly opposes capital and corporal punishment, whatever the crime. We strongly support LGBT+ rights and are clear that nobody should face persecution or discrimination because of who they are or who they love.

The Government of Brunei have reassured us that the Common Law will operate in parallel with the Sharia Penal Code and will continue to be the primary means of administering justice in Brunei. I urge Brunei to ensure that this is the case and to uphold its international human rights obligations.

Brunei: New Penal Code Imposes Maiming, Stoning **Human Rights Watch** **3 April 2019**

The Brunei government's introduction of a new Sharia penal code poses grave threats to basic rights, especially for the country's most vulnerable people, Human Rights Watch said today.

The penal code, which goes into effect on April 3, 2019, requires death by stoning for extramarital sex, anal sex, and abortion; amputation of limbs for stealing; and 40 lashes with a whip for lesbian sex. Children who have reached puberty and are convicted of these offenses can receive the same punishments as adults; certain younger children may be subjected to whipping.

"Brunei's new penal code is barbaric to the core, imposing archaic punishments for acts that shouldn't even be crimes," said Phil Robertson, deputy Asia director. "Sultan Hassanal should immediately suspend amputations, stoning, and all other rights-abusing provisions and punishments."

Sultan Hassanal Bolkiah first formally published the Sharia, or Islamic Law, Syariah Penal Code Order in October 2013. At that time, the government stated it would implement the new law in three phases. The first phase would enact the provisions punishable by fines or imprisonment in April 2014. The second and third phases would then be introduced over the next two years, implementing provisions that included punishments such as amputation, whipping, or stoning to death. Following an international outcry over the severity of the punishments, the government delayed further implementation of the law. However, on December 29, 2018, Brunei's attorney general quietly issued a notification that the law would be enacted in full on April 3.

On March 30, the Prime Minister's Office sought to contain global outrage against the new law, issuing a statement that the code aims to "respect and protect the legitimate rights of all individuals." Claims that this draconian law respects rights are without basis.

Brunei should immediately withdraw the order enacting Syariah Penal Code Order 2013, and amend its provisions in accordance with international human rights standards.

"Every day that Brunei's penal code is in force is a multifaceted assault on human dignity," Robertson said. "Governments around the world should make clear to Brunei's sultan that there can be no business as usual so long as the threat of whipping, stoning or amputation remains on the books."

How Do Punishments Included in Brunei's Sharia Penal Code Violate International Human Rights Law?

Provisions of the Sharia penal code violate Brunei's obligations under international human rights law, including the rights to life, freedom from torture and other ill-treatment, expression, religion, privacy, and individual autonomy, among others. The code is discriminatory on its face, and violates many rights of women, children, and lesbian, gay, bisexual, and transgender people, among others.

The punishments provided under the new code violate customary international law prohibitions against torture and other ill-treatment, as reflected in the Universal Declaration of Human Rights, and treaties to which Brunei is party, such as the Convention on the Rights of the Child. The use of stoning or intentional amputation as a punishment violates the absolute prohibition of all forms of torture, and other cruel, inhuman, or degrading treatment or punishment.

The United Nations Human Rights Committee has said in its General Comment No. 36 that "under no circumstances can the death penalty ever be applied as a sanction against conduct" that is protected by international law, including adultery and homosexuality. Retaining the death penalty for such "offenses" is a form of arbitrary deprivation of life and violates Brunei's international legal obligations.

The code also imposes the death penalty for some forms of robbery and rape, and for insult or defamation of the Prophet Mohammad (articles 63, 76, 220) by both Muslims and non-Muslims. This is inconsistent with

the international principle that the death penalty should be reserved for only “the most serious crimes,” namely those involving intentional killing.

How does Brunei’s Sharia Penal Code Violate Freedom of Expression?

The new Sharia penal code punishes both Muslims and non-Muslims for printing, disseminating, importing, broadcasting, and distributing publications against Islamic beliefs (articles 213, 214, and 215). This is an excessive and disproportionate restriction on the rights to freedom of expression and religion.

The law also punishes “indecent” dressing and cross-dressing (articles 197, 198), which arbitrarily restricts freedom of expression and association and privacy rights, and constitutes a form of discrimination on the basis of gender expression.

How Does Brunei’s Sharia Penal Code Harm Women, LGBT People, and Children?

The Sharia penal code sets up serious barriers for Muslim women to escape violent marriages or seek equal employment opportunities. It criminalizes anyone who prevents a legally married Muslim couple living together or “entices” married Muslim women to leave their matrimonial home and similarly, punishes those who leave the custody of their parents or guardians. The law also punishes Muslim women for pregnancy outside of marriage (article 94). However, the attorney general’s order of December 29, 2018, exempted article 94 from immediate implementation starting on April 3.

The code makes consensual same-sex acts illegal and punishable by death or by whipping. It institutionalizes discrimination against lesbian, gay, and bisexual people in its most severe form. At a time when many countries are decriminalizing consensual same-sex conduct, Brunei is joining seven countries that punish consensual homosexual acts with the death penalty. The law also attempts to legislate transgender people out of existence by prohibiting dressing in the attire associated with a different sex.

The penal code imposes criminal liability and punishment – including stoning, whipping, and imprisonment – upon children who have obtained puberty, referred to as *baligh* under the law. Children deemed old enough to know the difference between right or wrong, referred to as *mumayyiz* under the law and traditionally interpreted under Sharia to be around age 7, may be punished, including by whipping. These provisions violate international law, including the rights of children protected in the Convention on the Rights of the Child, notably prohibitions against the death penalty, and torture and other ill-treatment. The penal code also criminalizes any conduct exposing Muslim children to the beliefs and practices of any religion other than Islam.

Does the Sharia Penal Code Apply to Both Muslims and Non-Muslims?

In some legal systems said to derive from the Quran, Sharia applies only to Muslims. In contrast, most of the laws in Brunei's Syariah Penal Code are applicable to both Muslims and non-Muslims. For example, articles 82 and 84, punishing *liwat*, or anal sex between two men or a woman and a man, applies to both Muslims and non-Muslims. Article 69, punishing *zina*, or extramarital sex, and article 92, punishing *musahaqah*, sexual relations between women, apply in instances in which the accused persons are two Muslims or a Muslim and a non-Muslim.

Non-Muslims who commit *khalwat* – living together, cohabiting, or being in close proximity to another in private – under article 196 will be punished with imprisonment and a fine. Anyone who publicly consumes food, drink, or tobacco before sundown during the month of Ramadan faces imprisonment and a fine under article 195.

[Brunei must immediately halt plans to introduce stonings and other vicious punishments](#)

Amnesty International
3 April 2019

Responding to the news that Brunei Darussalam has today finalised the implementation of a new Shariah Penal Code that introduces cruel punishments such as death by stoning for same-sex sexual acts and amputation for robbery, Stephen Cockburn, Deputy Director of Global Issues at Amnesty International, said:

We are extremely concerned that these heinous punishments have become law in Brunei today.

This new penal code allows punishments such as amputation or death by stoning which are unspeakably cruel and have no place anywhere in the world.

We are alarmed that the code criminalizes behaviour that should not be considered crimes at all. The international community must continue to condemn Brunei's decision to put these cruel penalties into practice.

The Brunei authorities must refrain from implementing these laws, and must take necessary steps to repeal this unacceptable legislation and bring it in line with international human rights laws and standards.

These punishments are provided for in newly-implemented sections of Brunei's Sharia Penal Code that will come into force today.

Background

Brunei Darussalam has signed but not yet ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and has rejected all recommendations to this effect in its human rights review at the UN in 2014.

Under international human rights law, corporal punishment in all its forms, such as stoning, amputation or whipping, constitutes torture or other cruel, inhuman or degrading punishment, which is prohibited in all circumstances.

While Brunei retains the death penalty in law, it is abolitionist in practice. One new death sentence was imposed in 2017, for a drug related offence.

Brunei's Shariah Penal Code (SPC) does not replace civil law but is expected to operate alongside it – from information available, each case requires an initial decision to determine whether it should be prosecuted under civil law, or Shariah law.

[Death penalty by stoning for homosexuality: MEPs write to Brunei's Sultan](#)

European Parliament's Intergroup on LGBT Rights 3 April 2019

Today, on 3 April 2019, Brunei starts implementing a law that imposes – among others – death penalty by stoning for same-sex relationships.

Brunei introduced a reform of its criminal law based on Sharia law in 2014, to be implemented in 3 stages: the first phase in May 2014; the second was due in 2015; and the third phase was planned for 2016. The two last phases were halted in 2014 – but Brunei just announced it will go ahead and implementing them on 3 April.

Brunei already condemns same-sex sexual activity with prison. With this new law, sodomy between two men and adultery is punished with death penalty with stoning, while sexual relations between two women is punished with a fine of up to \$40,000, prison up to 10 years and whipping, or combination of these.

Members of the LGBTI Intergroup write to the Sultan of Brunei to remind him of Brunei's international human rights commitments.

TO: Haji Sir Hassanal Bolkiah, Sultan of Brunei Darussalam Concerns: implementation of new criminal law

Brussels, 1 April 2019

Honourable Sultan of Brunei Darussalam,

We were particularly alarmed to hear you decided to go ahead with the implementation of the last phase of your criminal law reform, due to take place on 3 April.

We were shocked that Brunei would make this decision even though Brunei has committed to a number of international and regional human rights standards. It is Brunei's responsibility to protect the right to freedom of thought, belief and religion, the right to life and the right to dignity for everyone on its soil. Applying the death penalty to non-believers or same-sex sexual relations is in direct contradiction with these international principles.

We are convinced that religious law, including Sharia law, can be enforced in accordance with international human rights principles. We encourage you to foster political dialogue with key stakeholders in civil society, human rights organisations, faith-based institutions, and business organisations, both inside and outside of Brunei, to ensure that due process and the rule of law are upheld in Brunei, and the right to life is protected.

Yours Sincerely,

On behalf of the European Parliament's Intergroup on LGBTI Rights,

Terry Reintke MEP, Co-President of the LGBTI Intergroup
Daniele Viotti MEP, Co-President of the LGBTI Intergroup
Sophie in't Veld MEP, Vice-President of the LGBTI Intergroup
Fabio Massimo Castaldo, Vice-President of the LGBTI Intergroup
Sirpa Pietikainen, Vice-President of the LGBTI Intergroup
Malin Bjork, Vice-President of the LGBTI Intergroup

[Stonewall statement on Brunei](#)

Stonewall

1 April 2019

Leanne MacMillan, Director of International Campaigns, Stonewall said:

We continue to be extremely concerned by what's happening in Brunei. Stonewall, along with many other LGBT groups and human rights organisations, strongly condemn this alarming situation.

Since the news broke last week, we've seen so many people and organisations from across the world speak out and voice their disgust. We are raising our concerns with the Foreign & Commonwealth Office and will continue to stand in solidarity with LGBT people in Brunei.

Bachelet urges Brunei to stop entry into force of “draconian” new penal code

**UN Human Rights: Office of the High Commissioner
1 April 2019**

UN High Commissioner for Human Rights Michelle Bachelet on Monday urged the Government of Brunei to halt the entry into force of the revised Penal Code which, if implemented in its current form, would enshrine in legislation cruel and inhuman punishments that seriously breach international human rights law – including death by stoning.

The revisions, due to enter into force on Wednesday, 3 April 2019, stipulate the death penalty for offences such as rape, adultery, sodomy, extramarital sexual relations for Muslims, robbery, and insult or defamation of the Prophet Mohammad, among others. It introduces public flogging as a punishment for abortion, and amputation for theft. It also criminalises exposing Muslim children to the beliefs and practices of any religion other than Islam.

Brunei currently retains the death penalty in law but the country has been abolitionist in practice, with the last execution carried out in 1957.

“I appeal to the Government to stop the entry into force of this draconian new penal code, which would mark a serious setback for human rights protections for the people of Brunei if implemented,” High Commissioner Bachelet said, noting that various UN human rights mechanisms have expressed their concerns about the cruel, inhuman and degrading punishments contained in the Penal Code order.

Bachelet stressed that international human rights laws and standards impose stringent restrictions on the use of the death penalty, which may only be applied to the crime of murder or intentional killing, after a trial that fully meets due process requirements.

“In reality, no judiciary in the world can claim to be mistake-free, and evidence shows that the death penalty is disproportionately applied against people who are already vulnerable, with a high risk of miscarriages of justice. I urge Brunei to maintain its de facto moratorium on the use of capital punishment,” she said.

The provisions of the revised penal code may also encourage violence and discrimination against women, on the basis of sexual orientation, and against religious minorities in Brunei.

“Any religion-based legislation must not violate human rights, including the rights of those belonging to the majority religion as well as of religious minorities and non-believers,” Bachelet said.

“Human rights and faith are not opposing forces – indeed, it is human interpretation that creates tensions. It is vital that the Government, religious authorities and a wide range of civil society actors work jointly to uphold human dignity and equality for all. My Office stands ready to assist the Government of Brunei, using the constructive approach laid out by the faith-based

framework of the Beirut Declaration on 'Faith for Rights,'" the High Commissioner said.

Press Statement

Prime Minister's Office: Brunei Darussalam

30 March 2019

Brunei Darussalam is a sovereign Islamic and fully independent country and, like all other independent countries, enforces its own rule of laws. Brunei Darussalam has always been practising a dual legal system, one that is based on the Syariah Law and the other on Common Law.

In fully implementing the Syariah Penal Code Order (SPCO) 2013 from 3rd April 2019, both systems will continue to run in parallel to maintain peace and order and preserve religion, life, family and individuals regardless of gender, nationality, race and faith.

The Syariah Law, apart from criminalizing and deterring acts that are against the teachings of Islam, it also aims to educate, respect and protect the legitimate rights of all individuals, society or nationality of any faiths and race.

4. PQs

4.1 Recent

[Brunei: LGBT People](#)

03 Apr 2019 | 238653

Asked by: Jo Stevens

To ask the Secretary of State for Foreign and Commonwealth Affairs, what steps the Government plans to take to protect British citizens who identify as LGBT+ who are working and travelling in Brunei.

Answering member: Mark Field | Department: Foreign and Commonwealth Office

Foreign and Commonwealth Office travel advice has been updated to alert British citizens of the introduction of the new local laws in Brunei and we continue to lobby against the use of such punishments. The High Commission stands ready to provide consular assistance to British citizens if required.

[Brunei: LGBT People](#)

02 Apr 2019 | 238417

Asked by: Luke Pollard

To ask the Secretary of State for Foreign and Commonwealth Affairs, what steps the Government will take in response to the decision by Brunei to introduce a new Penal Code which could result in LGBTQ people being whipped, tortured or stoned to death for consensual same-sex relations.

Answering member: Mark Field | Department: Foreign and Commonwealth Office

I raised UK concerns about hudud punishments during my visit to Brunei Darussalam in August 2018. More recently I raised these issues on Friday 29 March in a letter to the Deputy Foreign Minister. Additionally the British High Commission in Bandar Seri Begawan regularly discusses the introduction of the Sharia Penal Code with the Government of Brunei.

We will continue to encourage and work with the Bruneian Government, as with many other countries, to remove corporal and capital punishment from their statutes. We will also urge them to take steps to decriminalise and pass laws to protect LGBT people from all forms of discrimination.

The UK believes in the right to live with dignity, free from violence or discrimination irrespective of a person's sexual orientation. The International community must uphold the universality of human rights; the criminalisation of same-sex relations is wrong.

The UK is committed to combating discrimination and violence against LGBT people throughout the Commonwealth and ensured that last year's Commonwealth Heads of Government Meeting Communique included the most progressive language yet on LGBT rights,

complimented by an historic speech from the Prime Minister, and backed up with major programme spending on gender equality and LGBT rights.

Foreign and Commonwealth Office travel advice has been updated to alert British citizens of the introduction of the new local laws in Brunei and we continue to lobby against the use of such punishments.

4.2 When the Penal Code was introduced

[Brunei](#)

05 Sep 2014 | 207191

Asked by: Simon Kirby

To ask the Secretary of State for Foreign and Commonwealth Affairs, what steps he is taking to promote LGBT rights in Brunei; and if he will make a statement.

Answering member: David Lidington | Department: Foreign and Commonwealth Office

Work to combat violence and discrimination against Lesbian, Gay, Bisexual and Transgender (LGBT) people forms an important part of our wider international human rights work. The Foreign and Commonwealth Office works through our Embassies and High Commissions, and through international organisations, including the Commonwealth, the EU and the UN, to promote tolerance and non-discrimination against LGBT people and to address discriminatory laws, in particular those that criminalise homosexuality.

The UK has been a member of the LGBT core group in Geneva since 2011, playing a key role in passing the UN's first ever resolution on LGBT rights and recently joined its counterpart group in New York.

Within the Commonwealth we continue to encourage the Secretariat and the Secretary-General to do more to promote the rights of its LGBT people. The former Foreign Secretary, my Rt hon friend the Member for Richmond, Yorks (William Hague), wrote to the Commonwealth Secretary-General in March urging him to take concrete action to address this issue within the Commonwealth.

[Brunei](#)

21 Jul 2014 | 755 cc152-3WA

Asked by: Lord Patten

To ask Her Majesty's Government what is their assessment of the impact of the proposed Sharia penal code on human rights, women's rights and religious freedoms in Brunei.[HL928]

Answering member: Baroness Warsi | Department: Foreign and Commonwealth Office

Implementation of Brunei's criminal sharia code is planned in three phases, the first of which came into effect on 1 May 2014. No prosecutions have yet been brought under the new code and to date we assess the impact of the new code has been limited. However, a lack

of clarity over implementation and intent has caused concern. We have urged the authorities in Brunei to consider the implementation of the new code carefully and ensure that it is in line with international human rights norms and Brunei's international obligations. UK Ministers have clearly set out our views to the most senior levels of the Bruneian government and will continue to do so.

Brunei

24 Jun 2014 | 754 c137WA

Asked by: Baroness Tonge

To ask Her Majesty's Government what discussions they have had regarding the compatibility of Brunei's human rights policies with the human rights values of the Commonwealth Charter, and with whom. [HL194]

Answering member: Baroness Warsi | Department: Foreign and Commonwealth Office

We, along with the EU and other members of the international community, regularly discuss human rights with the Bruneian authorities. During Brunei's Universal Periodic Review at the UN Human Rights Council on 2 May, we called on Brunei to lift its state of emergency, to establish a national human rights institution and to ensure that the implementation of their new sharia criminal code was in line with international human rights standards. This includes the Commonwealth Charter which commits members to the Universal Declaration of Human Rights. I discussed this with His Majesty The Sultan, and other government figures during a visit to Brunei in April. The Minister of State for Foreign and Commonwealth Affairs, my Rt Hon Friend the Member for East Devon also raised our concerns with Brunei's Deputy Foreign Minister Pehin Kunis on 12 June. The Parliamentary Under-Secretary of State at the Ministry of Justice, my hon. Friend the Member for North West Cambridgeshire (Mr Vara), raised this with the Bruneian Attorney General at the Commonwealth Law Ministers meeting on 6 May. The Secretary of State for Health, my Rt Hon Friend the Member for South West Surrey (Mr Hunt), discussed this with his opposite number at a Commonwealth Health Ministers' meeting on 18 May 2014.

5. Other Parliamentary material

5.1 Debates

[Commonwealth](#)

28 Mar 2019 | House of Lords | 796 cc1912-1961

Lords motion to take note of the continuing and evolving role of the Commonwealth and the United Kingdom's relationship with it. Agreed to on question.

*This debate includes references to LGBT rights in Brunei and its place in the Commonwealth.

5.2 Statements

[Brunei](#)

04 Apr 2019 | 657 cc1273-1286

[Extract: only the Minister's opening statement is included below]

The Minister for Asia and the Pacific (Mark Field): With permission, Mr Speaker, I will make a statement about Brunei and sharia law.

I appreciate that this issue has been of widespread concern in the House and was the subject of two requests for an urgent question earlier in the week by the hon. Member for Edinburgh West (Christine Jardine). I apologise, too, that, given how late we sat last night, there are slightly fewer Members in the House today than there might have been, as many of them have an understandable desire to head off. I thought that it was worth making a full statement on this issue. There was no criticism of you, Mr Speaker, that you did not allow the urgent questions, not least because we were able to touch on this matter in the slightly unsatisfactory way that one does during Foreign and Commonwealth questions.

Brunei introduced sharia criminal law in 2014, to operate alongside the common law system in that country. Implementation of the final phases of the associated sharia penal code was delayed from 2014 until yesterday. These final phases now introduce the possibility of hudud corporal and capital punishments, which may include amputation for theft, and execution by stoning for witnessed adultery and anal sex.

The sharia penal code requires four witnesses or a confession from the offender for a conviction to be secured. It is a fairly tall ask, but that does not mean it is impossible to achieve. Under the common law in Brunei, homosexuality is already a criminal offence. Whippings are also quite frequently used as a punishment for a variety of offences, and the death penalty remains on the statute book—although it has not been enforced since 1992.

I want to be absolutely clear about the UK's position on this: this Government consider it appalling that, in the 21st century, people anywhere are still facing potential persecution and discrimination

because of who they are and whom they love. We strongly support and defend the rights of the LGBT+ community here in the UK and all around the world.

We absolutely oppose the death penalty in all circumstances and in all forms, and we do not believe that amputation or stoning are legitimate or acceptable punishments. Indeed, we consider them to be illegal under international human rights laws relating to torture or cruel, inhumane or degrading treatment.

We also note that, since the introduction of sharia criminal law in Brunei in 2014, the vast majority of crimes have continued to be brought to justice under the existing common law system, which runs in parallel in that country. However, if implemented, we believe that these extreme hudud punishments would contravene Brunei's international commitments to respect human rights and individual freedoms. That is why we have expressed deep concerns to the Government of Brunei. I personally raised the matter with His Majesty the Sultan, the Minister of Religious Affairs and the Foreign Minister, Dato Erywan, when I visited the country in August 2018.

Last week, I wrote to Dato Erywan to re-emphasise our concern about the use of hudud punishments, which contravene the international standards and values that the UK and Brunei both uphold. Earlier this week, our outstanding high commissioner Richard Lindsay also raised our concerns with senior Bruneian Ministers, including the Ministers of Foreign Affairs, Religious Affairs and Finance. He received assurances that common law would continue to be the primary means of administering justice and that the burden of proof under the sharia penal code has been set to be almost unattainably high, and, obviously, we welcome that. I understand that the Foreign Secretary will speak with the Bruneian Foreign Minister later today and urge the Government of Brunei to take further steps to ensure that those extreme punishments cannot be used, and to respect the rights and freedoms of all their citizens.

Colleagues may be concerned about the potential impact of sharia criminal law in Brunei on British nationals, for whom we have a specific consular responsibility. I assure the House that our travel advice has been updated to ensure that all British citizens are aware of the introduction of the new laws under the sharia penal code. Supporting British nationals remains our No. 1 priority, and we will continue to provide consular support for all British folk in Brunei should it be required. As many Members will be aware, we have a specific responsibility towards British military personnel and their families who are stationed in Brunei, including as part of our long-standing garrison agreement that dates from the coming into existence of Brunei as an independent state in 1962. I assure the House that necessary protections are in place with the Government of Brunei.

For historical and ongoing reasons we have a close friendship with Brunei, and from my experience both in Brunei and with Bruneians in this country, I know that they regard themselves—with good cause—as a generous, friendly and tolerant people, and they are worried to see the tarnishing of that reputation, given recent press in the UK and

across the world. We have an important bilateral security relationship with Brunei, of which the garrison agreement is one part, but that has never prevented us from raising difficult issues. Indeed, I believe that the strength and richness of that relationship permits us to share our views and express those concerns—sometimes openly, sometimes more in private, but always frankly—as we seek to work together to address these issues.

I am sure I speak for the entire House when I say that this Government, our high commissioner and I will continue to urge the Government of Brunei to take all necessary steps to reassure their own people, the United Kingdom and the wider international community that they are fully committed to allowing all citizens and residents of Brunei to live with dignity, and free from violence, discrimination or persecution. As an integral part of our foreign policy work around the world, we will continue to oppose the use of the death penalty in all circumstances and promote the rights of LGBT+ people. Nobody should face punishment for who they are or whom they love. I commend this statement to the House.

5.3 Early Day Motions

[BRUNEI PENAL CODE](#)

EDM 2268 (session 2017-19)

4 April 2019

Helen Hayes

That this House expresses deep concern at the planned introduction of a new penal code in Brunei; notes the UN Secretary-General's belief that these new laws are in clear violation of human rights principles; expresses solidarity with LGBT+ Bruneians and grave concern about the impact of this legislation upon the LGBT+ community; condemns the planned introduction of the death penalty for gay sex in Brunei; notes that women and Bruneians from religious minorities are also at significant risk; expresses concern that British forces continue to operate in Brunei; believes that the protection of human rights should be central to UK foreign policy; and calls on the UK government to exert pressure and influence upon Brunei and all Commonwealth nations to protect the rights of LGBT+ people and other minority groups.

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