

Statement of ASEAN Civil Society Organizations on the Full Enforcement of Sharia Law in Brunei Darussalam

3 April 2019

We, the undersigned civil society organizations in the ASEAN region, urge the government of Brunei to immediately halt the full implementation of the Sharia Penal Code (SPC). The said law entails provisions that contradict international human rights standards, including the Universal Declaration of Human Rights (UDHR), Convention on the Rights of the Child (CRC), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT), the ASEAN Human Rights Declaration (AHRD) and the ASEAN Charter. Brunei has signed and ratified these instruments, and thereby must show commitment to respect, protect and fulfill its obligations. Moreover, Brunei should recognize the importance of progressive development of human rights therefore moving away from corporal punishment and death penalty.

By enforcing the SPC, Brunei will set a dangerous precedent for its neighbouring countries in Southeast Asia and broader Asia as it perpetuates the practice of violating fundamental freedoms, particularly freedom of expression, in the region.

We acknowledge the Brunei government's intention to "maintain peace and order and preserve religion, life, family and individuals regardless of gender, nationality, race and faith" being a rationale behind the SPC. However, there are provisions in the law that provides excessive penalties, including whipping, imprisonment and death penalty, against those who commit adultery, consensual same-sex relations, pregnancy out of wedlock, access to abortion, and acts critical of state-interpretation of Islam.

The SPC inevitably ends up disproportionately targeting those who are already vulnerable and socially marginalised, including women, children, lesbian, gay, bisexual, transgender and queer (LGBTQ) people, the economically disadvantaged, religious minorities, and dissenting voices. The penalties imposed by the law, including whipping and stoning to death, constitutes torture, ill-treatment, and inhumane and degrading punishment. As a consequence, this will further silence dissent, create a culture of fear among its people, and further shrink civic space in the country. A country that cares for its citizens needs to look out for those more vulnerable to discrimination, violence and injustice, and seek to protect them first.

By adopting conservative views of morality and excessive punishments, Brunei essentially legitimizes violence. The law and its enforcement will encourage extremist and fundamentalist groups in the region to continue sowing fear, social discord and violence.

We reiterate the commitment of ASEAN Member States Leaders under the ASEAN Community 2025 to realise a rules-based, people-oriented, people-centred community bound by fundamental principles, shared values and norms, in which our peoples enjoy human rights, fundamental freedoms, and social justice. The current situation in Brunei reflects the contrary, and will have

negative implication to jeopardise the vision of ASEAN and consequently the identity of ASEAN as a collective region.

We urge Brunei to uphold its name being an “abode of peace”, a society that upholds and respects diversity, where difference is approached with compassion.

We look forward to seeing Brunei become a role model in ASEAN, as the region strives towards the better practices of democracy in partnership with civil society. We hope Brunei will strive to achieve this through the sharing of prosperity and by respecting the equal rights of all.

Signed:

1. ASEAN SOGIE Caucus (ASC)
2. Human Right Working Group (HRWG)
3. Indonesia Legal Aid Foundation (YLBHI)
4. Asian Forum for Human Rights and Development (FORUM-ASIA)
5. Asian-Pacific Resource and Research Centre for Women (ARROW)
6. Asia Pacific Alliance for Sexual and Reproductive Health and Rights (APA)
7. Asia Pacific Transgender Network (APTAN)
8. ILGA Asia
9. Intersex Asia
10. Asia Pacific Forum on Women, Law and Development (APWLD)
11. APCOM
12. Youth Voices Count (YVC)
13. ASEAN Youth Forum (AYF)
14. Sangsan Anakot Yaowachon Development Project (Sangsan), Thailand
15. LovePattaya, Thailand
16. Sapaan publishing, Thailand
17. Health and Opportunity Network, Thailand
18. BUKU CLASSROOM, Thailand
19. Backyard Politics, Thailand
20. The Foundation of Transgender Alliance for Human Rights, Thailand
21. Diversity Ants, Thailand
22. Foundation for SOGI Rights and Justice, Thailand
23. Togetherness for Equality and Action - TEA, Thailand
24. Young Pride Club, Thailand
25. Phayao Youth News Agency, Thailand
26. Foundation for AIDS Rights, Thailand
27. Non-binary Thailand
28. Hinghoy Noy Organization, Thailand
29. Prism Digital Magazine, Thailand
30. Thai Network of Youth living with HIV, Thailand
31. Prayoonsritrang Group, Thailand
32. TAMTANG GROUP Advocacy for Safe Abortion, Thailand
33. Service Workers in Group Foundation (SWING), Thailand

34. 1448 For All (Marriage Equality For All), Thailand
35. TEAK - Trans Empowerment, Thailand
36. Thai Positive Women Foundation, Thailand
37. B Visible Asia
38. Mplus foundation, Thailand
39. Namkwan Sky Rainbow Phayao, Thailand
40. Bangkok Rainbow, Thailand
41. SAGA Thailand - Sexual and Gender Acceptance
42. Thai Association of Population and Social Researcher
43. HIV HERO THAILAND
44. Sexual Studies Association, Thailand
45. Women's Wellbeing and Gender Justice Program, Thailand
46. Sikhorphum Youth, Thailand
47. Pink Mango, Thailand
48. Support Group and Resource Center on Sexuality Studies Indonesia (SGRC UI), Indonesia
49. Study and Peace (SPACE) UNJ, Indonesia
50. Diponegoro Gender and Human Rights Center (DipoGHRC), Indonesia
51. Arus Pelangi, Indonesia
52. Iloilo Pride Team, Philippines
53. Bahaghari-Iloilo, Philippines
54. PELANGI Campaign, Malaysia
55. PLUHO, People Like Us Hang Out!, Malaysia
56. UniGEN - Leave no one behind, Vietnam
57. NYNO - Nam Yeu Nam Organization, Vietnam
58. NYNA - Nu Yeu Nu Organization, Vietnam
59. Hoa Thi - The Asterisk, Vietnam
60. DNP - Working Group for LGBT+ Rights at Dong Nai Province, Vietnam
61. ERMC - Equal Rights for Minority Communities, Vietnam
62. Indonesian Planned Parenthood Association (IPPA), Indonesia
63. Perkumpulan Inti Muda Indonesia
64. MyPJ, Malaysia
65. Justice for Sisters, Malaysia
66. Persatuan Sahabat Wanita Selangor (PSWS), Malaysia
67. Manushya Foundation, Thailand
68. Beyond Borders, Malaysia
69. TNP - Working Group for Human Rights at Tay Ninh Province, Vietnam
70. People Like Us Support Ourselves (PLUSOS), Malaysia
71. Maruah, Singapore
72. Committee for the International Day against Homophobia, Transphobia and Biphobia
73. Equal Asia Foundation (EAF)
74. Sisters in Islam, Malaysia
75. Seksualiti Merdeka, Malaysia
76. Queer Lapis, Malaysia
77. Art For Grabs, Malaysia
78. Centre for Independent Journalism (CIJ), 8Malaysia

79. Queer Academics, Students and Supporters Alliance (QUASSA), Malaysia
80. IT'S T TIME Organization, Vietnam (ITT)
81. PurpleCode Collective, Indonesia
82. Serikat Jurnalis Untuk Keberagaman (SEJUK), Indonesia
83. Peace Women Across the Globe (PWAG), Indonesia
84. Acting for Community Development (ACD TAYNINH), Vietnam
85. Tay Ninh LGBTQ'S Community, Vietnam
86. PFLAG Viet Nam
87. Sanggar Swara, Indonesia
88. Southeast Rainbow School, Vietnam
89. Nuyeunu.vn, Vietnam
90. LGBTIQ Community VietNam
91. Sayoni, Singapore
92. Simply, I am GAY - fb.me/dongianvitola3d, Vietnam
93. Degenderration Confederation, Vietnam
94. Malaysian Atheists and Secular Humanists, Malaysia
95. Inside Out House, Vietnam
96. LEA, Vietnam
97. Ychange, Vietnam
98. CAMASEAN, Cambodia
99. Rainbow Community Kampuchea (ROCK), Cambodia
100. Cambodian Center for Human Rights (CCHR), Cambodia
101. Pioneer Filipino Transgender Men Movement, Philippines
102. Ha Noi Queer, Vietnam
103. Sai Gon Queer, Vietnam
104. Side B Philippines
105. NextGEN Hanoi, Vietnam
106. Humanist Alliance Philippines, International (HAPI)
107. Shepluspride, Singapore
108. LumiQueer, Vietnam
109. Salzburg Global LGBT Forum
110. APCASO
111. Indigenous Women Network Thailand (IWNT)
112. 6+, Vietnam
113. Jakarta Feminist Discussion Group, Indonesia