



Foreign Affairs Committee

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Rt Hon Jeremy Hunt MP
Secretary of State for Foreign and Commonwealth Affairs
Foreign and Commonwealth Office
King Charles Street
London, SW1A 2AH

8 April 2019

Dear Foreign Secretary,

I am writing regarding the introduction of hudud punishments under the Sharia Penal Code in Brunei. I am particularly concerned about the treatment of LGBT+ people under this law.

I support the Government's strong condemnation of these laws but seek clarification of what actions you have taken to encourage the Government of Brunei to reconsider its decision to adopt the Sharia Penal Code. The Minister of State for Asia, Mark Field, last week said in his statement in the Chamber that you will be speaking with the Bruneian Foreign Minister. I would be grateful if you could update me on the outcome of that conversation, and any others that you have had with the High Commissioner of Brunei.

I expect the FCO to use the full range of its diplomatic tools to seek protection for all those in Brunei from what amounts to codified human rights violations. In your response, I would appreciate it if you could specifically address the following questions:

- In light of this change to their legal framework will you consider adding Brunei to the FCO's list of human rights priority countries?
- The UK Government currently holds the Commonwealth Chair-in-Office. What steps is the Government taking to work with Commonwealth partners to ensure the shared values and principles that the Commonwealth is based on are upheld in Brunei?
- How are you working with other countries in the region to discourage others from adopting similarly coercive laws?
- Minister Mark Field stated 'necessary protections are in place' for UK military personnel and their families based in Brunei. What form do these protections take?

I would appreciate a response by Wednesday 17 April. We will be placing this letter and your response in the public domain.

Tom Tugendhat MP
Chair

23 April 2019

Tom Tugendhat MP
Chair, The Foreign Affairs Committee
House of Commons
London
SW1A 0AA



Foreign &
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King Charles Street
London SW1A 2AH

Secretary of State

Dear Tom,

Thank you for your letter of 8 April about Brunei's recent decision to introduce hudud punishments under the Sharia Penal Code. I share your concerns. The UK remains firmly opposed to both corporal and capital punishment, which have no place in modern society. We also oppose any discrimination on the grounds of sexual orientation. No one should face persecution because of who they are or whom they love.

On 11 April, I met Brunei's Foreign Minister Dato Erywan and Finance Minister Dato Amin Liew, together with the Minister for Asia and the Pacific, Mark Field. The Brunei High Commissioner also attended. Minister Field and I reiterated our deep concern and underlined the strength of public and parliamentary feeling, which was shared across the world.

I said that I had heard explanations that the Common Law will continue to have primacy, and that, under the Sharia Penal Code, the burden of proof required to achieve a conviction was exceptionally high. Nevertheless, I noted that "exceptionally high" does not mean impossible to achieve and that, as Minister Field said during the Westminster Hall Debate on 10 March, it would still amount to discrimination on the basis of sexuality. I asked that Brunei reconsider the introduction of hudud punishments and act quickly to reassure the international community that Brunei will uphold its international human rights obligations, in particular those relating to non-discrimination and prevention of torture.

You asked what we are doing within the Commonwealth to encourage Brunei to uphold Commonwealth values. At the Commonwealth Heads of Government Meeting (CHOGM) last year, the Prime Minister made clear that the UK is ready to support any Commonwealth country wanting to reform discriminatory legislation. We encourage all Commonwealth partners to protect and promote the values in the Commonwealth Charter, including its opposition to all forms of discrimination. The Commonwealth Secretary General has been in discussions with Brunei on this issue. Lord Ahmad of Wimbledon spoke with her on the 4th April. I plan to attend the next Commonwealth Ministerial Action Group (CMAG), which provides a space for

sensitive discussions. I can assure you I'll use the opportunity to reiterate the UK's opposition to all forms of discrimination.

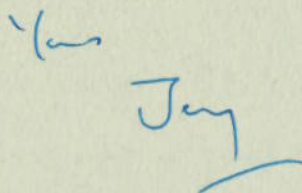
Another important opportunity to press Brunei on human rights will be its Universal Periodic Review process, which is due to take place on 10 May. The UK is playing an active part in this review, taking every opportunity to raise our human rights concerns.

We do not currently plan to add Brunei to our list of Human Rights Priority Countries (HRPC). HRPCs are selected on the basis of published criteria, and usually remain for the duration of a Parliament. The FCO can, and does, take action on human rights concerns in other countries, as we are doing in the case of Brunei. In addition to the HRPCs, a number of other countries are referred to in the FCO Annual Human Rights Report (AHRR). We will continue to have the option to refer to non-HRPCs, including Brunei, in future AHRRs.

You asked what we are doing to discourage other countries in the region to implement similar laws. In June 2017, following high-profile cases of discrimination, including the flogging of a same sex couple in Aceh, Indonesia, our Ambassador joined EU counterparts to deliver a formal statement of concern to the Indonesian Government. In 2018, two women in Malaysia were caned for engaging in a homosexual act by a Shariah Court. Our High Commissioner wrote to the local Chief Minister to express our concern at the sentence and appeal for clemency. The UK's support for the principle of non-discrimination, including on the basis of sexual orientation and/or gender identity, is well known in the region. We continue to work with a variety of civil society groups in South East Asia and regional governments to promote the universality of human rights.

The British Army has maintained a garrison in Brunei since 1962. The UK government has been in close consultation with the Government of Brunei to ensure that British Forces stationed in the country are not at risk from the Sharia Penal Code. I can assure you that we have the necessary protections in place and the arrangement is protected under the agreement between the UK and Brunei.

I am following this issue closely, and my officials and I will continue to lobby Brunei to reverse their decision. It is appalling that in the 21st Century the LGBT community is still facing persecution and discrimination. We will continue to unreservedly oppose the criminalisation of homosexual relationships worldwide, whether in Brunei or anywhere else.

A handwritten signature in blue ink, appearing to read 'Jeremy Hunt', with a horizontal line underneath.

THE RT HON JEREMY HUNT MP