

116TH CONGRESS
1ST SESSION

H. R. 2561

To authorize the imposition of sanctions on officials of Brunei responsible for implementing the newly revised penal code, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2019

Ms. OMAR (for herself, Mr. LEVIN of Michigan, Mr. RASKIN, Mr. POCAN, Mr. ESPAILLAT, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the imposition of sanctions on officials of Brunei responsible for implementing the newly revised penal code, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Brunei Human Rights
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) On May 1, 2014, the Sultan of Brunei an-
2 nounced that a revised penal code would take effect
3 in three phases.

4 (2) The penal code mandates the death penalty
5 for numerous offenses, among them adultery, con-
6 sensual same-sex relations, blasphemy, and robbery.

7 (3) The penal code also mandates flogging for
8 women who have abortions, and amputation for
9 theft.

10 (4) The penal code further criminalizes expos-
11 ing Muslim children to the beliefs and practices of
12 any religion other than Islam.

13 (5) The revised penal code represents an as-
14 sault on the rights of the LGBTI community,
15 women, children, and religious minorities, as well as
16 on the people of Brunei as a whole.

17 (6) According to the United Nations High Com-
18 missioner for Human Rights, the penal code intro-
19 duced stoning to death as the specific method of exe-
20 cution for adultery, consensual same-sex relations,
21 and extramarital sexual relations.

22 (7) On April 11, 2014, the spokesperson for the
23 United Nations High Commissioner for Human
24 Rights said that “Under international law, stoning
25 people to death constitutes torture or other cruel, in-

1 human or degrading treatment or punishment and is
2 thus clearly prohibited.” and noted that—

3 (A) “A number of UN studies have also re-
4 vealed that women are more likely to be sen-
5 tenced to death by stoning, due to deeply en-
6 trenched discrimination and stereotyping
7 against them, including among law enforcement
8 and judicial officers.”; and

9 (B) “The criminalization and application
10 of the death penalty for consensual relations be-
11 tween adults in private also violates a whole
12 host of rights, including the rights to privacy,
13 to equality before the law, the right to health
14 and freedom from arbitrary arrest and deten-
15 tion. The provisions of the revised penal code
16 may encourage further violence and discrimina-
17 tion against women and also against people on
18 the basis of sexual orientation.”.

19 (8) The first phase of the new penal code went
20 into effect in 2014, but the final two phases were
21 not enacted between 2014 and 2019 as a result of
22 pressure from international and domestic human
23 rights organizations.

24 (9) In December 2018, the Government of
25 Brunei confirmed that the final rollout of the second

1 and third phases of the penal code, including the
2 provisions of capital punishment by stoning, would
3 be fully implemented beginning April 3, 2019.

4 (10) On April 1, 2019, a statement from the
5 United Nations High Commissioner for Human
6 Rights noted that the revised penal code “would en-
7 shrine in legislation cruel and inhuman punishments
8 that seriously breach international human rights
9 law” and stated that “Human rights and faith are
10 not opposing forces – indeed, it is human interpreta-
11 tion that creates tensions. It is vital that the Gov-
12 ernment, religious authorities and a wide range of
13 civil society actors work jointly to uphold human
14 dignity and equality for all.”.

15 (11) Several other countries have provisions in
16 their penal code similar to those described in this
17 section with respect to Brunei, which also represent
18 instances of grave abuses of human rights when en-
19 forced.

20 **SEC. 3. SENSE OF CONGRESS.**

21 It is the sense of Congress that—

22 (1) the implementation of Brunei’s draconian
23 new penal code should be condemned in the strong-
24 est possible terms;

1 (2) the United States should reaffirm its com-
2 mitment to the full enjoyment of human rights by all
3 people;

4 (3) particular protections are needed for vulner-
5 able populations throughout the world, including the
6 LGBTI community, women, children, and religious
7 minorities;

8 (4) the revised penal code in Brunei represents
9 an assault on the rights of those vulnerable popu-
10 lations, as well as on the people of Brunei as a
11 whole;

12 (5) the President and Secretary of State should
13 condemn in clear terms the grave breach of human
14 rights represented by the new penal code;

15 (6) the Government of Brunei should consider
16 the potential negative impact of these new provisions
17 on tourism from, and business with, countries that
18 respect human rights; and

19 (7) sanctions should be imposed on any official
20 of any other country who implements or enforces
21 provisions similar to those found in the revised penal
22 code of Brunei.

1 **SEC. 4. IMPOSITION OF SANCTIONS UNDER THE GLOBAL**
2 **MAGNITSKY HUMAN RIGHTS ACCOUNT-**
3 **ABILITY ACT.**

4 Not later than 180 days after the date of the enact-
5 ment of this Act, the President may impose sanctions pur-
6 suant to the authorities provided by section 1263(a)(1) of
7 the National Defense Authorization Act for Fiscal Year
8 2016 (22 U.S.C. 2656 note) with respect to each official
9 of Brunei who the President determines is responsible for
10 implementing the penal code described in section 2 of this
11 Act in a manner that constitutes “extrajudicial killings,
12 torture, or other gross violations of internationally recog-
13 nized human rights” for purposes of such section
14 1263(a)(1).

15 **SEC. 5. REPORTS REQUIRED.**

16 (a) **ANNUAL REPORT ON ENFORCEMENT OF FOR-**
17 **EIGN CRIMINAL LAW PROVISIONS.**—Not later than 180
18 days after the date of the enactment of this Act, and annu-
19 ally thereafter, the Secretary of State, in consultation with
20 the Ambassador at Large for International Religious
21 Freedom and the Special Envoy for the Human Rights
22 of LGBTI Persons, shall submit to Congress a report on
23 the enforcement of penal or criminal provisions of law of
24 foreign countries explicitly targeting or disproportionately
25 enforced against the LGBTI community, women, children,

1 religious minorities, or other vulnerable populations sub-
2 ject to the jurisdiction of each such foreign country.

3 (b) REPORT RELATING TO ASYLUM SEEKERS IN THE
4 UNITED STATES.—Not later than 180 days after the date
5 of the enactment of this Act, and annually thereafter, the
6 Secretary of Homeland Security, in consultation with the
7 Attorney General, shall submit to Congress a report that
8 includes—

9 (1) the number of nationals of Brunei that ap-
10 plied for status as a refugee or asylee in the United
11 States;

12 (2) the number of such nationals that were
13 granted such status; and

14 (3) the number of such nationals that were de-
15 nied such status on the basis of lacking a credible
16 fear of persecution.

17 (c) REPORT RELATING TO REFUGEES IN OTHER
18 COUNTRIES.—Not later than 180 days after the date of
19 the enactment of this Act, and annually thereafter, the
20 Secretary of State shall submit to Congress a report de-
21 scribing the manner in which the Department of State is
22 supporting the efforts of refugees from Brunei to obtain
23 asylum in other countries.

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