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Report of the Working Group on the Universal Periodic Review*

Brunei Darussalam

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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1. The Government of Brunei Darussalam has carefully examined the 189 recommendations that it received during the nineteenth session of the Working Group of the Universal Periodic Review of the Human Rights Council. Brunei Darussalam accepts 97 recommendations, including those that have already been put into practice or are being implemented.

2. The partial support to 14 recommendations means that Brunei Darussalam agrees on a part of the recommendation and takes note of the other part, because they may be contrary to the Constitution of Brunei Darussalam; the official religion of Brunei Darussalam; its national legislation; and without prejudice to the generality of the recommendations.

3. Brunei Darussalam does not accept 78 recommendations because they may be contrary to the Constitution of Brunei Darussalam; the official religion of Brunei Darussalam; its national legislation; and without prejudice to the generality of the recommendations. The specific replies are as follows:

<i>Recommendation</i>	<i>Position</i>
113.1.	Partially Accepted Brunei Darussalam remains committed to its international obligations. Brunei Darussalam is already party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and the Convention on the Rights of the Child (CRC); and is looking to ratify the Convention on the Rights of Persons with Disabilities (CRPD); and the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict (OP-CRC-AC).
113.2.	Partially Accepted See 113.1.
113.3.	Not Accepted See 113.1.
113.4.	Not Accepted See 113.1.
113.5.	Not Accepted See 113.1.
113.6.	Not Accepted See 113.1.
113.7.	Not Accepted See 113.1.
113.8.	Not Accepted See 113.1.
113.9.	Not Accepted See 113.1. Additionally, current labour legislation sufficiently covers the protection and welfare of migrant workers in Brunei Darussalam.
113.10.	Not Accepted See 113.1.

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- 113.11. **Not Accepted**
See 113.1.
- 113.12. **Not Accepted**
See 113.1. Furthermore, without prejudice to the generality of CEDAW and CRC, Brunei Darussalam wishes to retain its reservations, as well as any other aspects of CEDAW and CRC.
On CRC, Brunei Darussalam maintains its reservation to Article 14, paragraph 3 of Article 20; and paragraph (b)-(e) of Article 21.
Notwithstanding this, Brunei Darussalam withdrew its reservations on paragraphs 1 and 2 of Article 20 relating to the protection of a child without a family, as well as paragraph (a) of Article 21 of the Convention pertaining to the law on adoption.
On CEDAW, Brunei Darussalam maintains its reservation on Article 9 (2) of the Convention.
Procedures are available for children of women citizens married to foreign nationals to be accorded Brunei citizenship through an application process, pursuant to Section 6 of the Brunei Nationality Act. In view that Brunei Darussalam has a policy of single nationality, children of women citizens may either be registered as Brunei nationals or the nationals as that of the father.
- 113.13. **Not Accepted**
See 113.1.
- 113.14. **Not Accepted**
See 113.1 and 113.12.
- 113.15. **Not Accepted**
See 113.1.
- 113.16. **Not Accepted**
See 113.1.
- 113.17. **Not Accepted**
See 113.1.
- 113.18. **Not Accepted**
See 113.1.
To date, the death penalty is still maintained in the laws of Brunei Darussalam. Furthermore, its abolition is not required by international law.
- 113.19. **Not Accepted**
See 113.1.
- 113.20. **Not Accepted**
See 113.1.
- 113.21. **Not Accepted**
See 113.1.
- 113.22. **Partially Accepted**
See 113.12.

- 113.23. **Partially Accepted**
See 113.12.
- 113.24. **Not Accepted**
See 113.12.
- 113.25. **Not Accepted**
See 113.12.
- 113.26. **Not Accepted**
See 113.12.
- 113.27. **Not Accepted**
See 113.12.
- 113.28. **Accepted**
- 113.29. **Accepted**
Brunei Darussalam ratified the CRC on 27 December 1995. Furthermore, Brunei Darussalam submitted its combined second and third periodic reports to the Committee on the Rights of the Child in October 2013.
- 113.30. **Accepted**
- 113.31. **Accepted**
- 113.32. **Accepted**
- 113.33. **Not Accepted**
See 113.1.
- 113.34. **Not Accepted**
See 113.1.
- 113.35. **Not accepted**
Brunei Darussalam currently has reservations on certain articles of the Protocol.
- 113.36. **Not Accepted**
Despite not being a party to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, Brunei Darussalam supports the fundamental nature of the role of the United Nations High Commissioner for Refugees and its Office to provide international protection including refugees and displaced persons, and the need for the Government to cooperate fully to facilitate the effective exercise of the High Commissioner's Office.
- 113.37. **Not Accepted**
Brunei Darussalam has ratified two of the eight fundamental International Labour Organization (ILO) Conventions and is continuously reviewing the possibility of ratifying other ILO Conventions with a view to ensuring that Brunei Darussalam's international commitments, current and future, are or will be consistent with national laws, regulations and policies. Current labour legislation as well as enforcement practices sufficiently ensures that all migrant workers in Brunei Darussalam are protected, provided adequate housing, are employed in conditions that are not harmful to their individual safety as well as have access to dispute

- settlement mechanisms.
- 113.38. **Not Accepted**
See 113.37.
- 113.39. **Accepted**
- 113.40. **Accepted**
- 113.41. **Not Accepted**
In practice, all educational institutions are not allowed to carry out any corporal punishment. Furthermore, directives have been reviewed to prohibit such actions in schools.
The Action Team on Child Protection (ATOCP) established under the Children and Young Person's Act oversees cases of child abuse which includes corporal punishment. The Standard Operating Procedure (SOP) on child abuse (which includes corporal punishment) involves many agencies including law enforcement agencies, medical officers and social workers.
Awareness campaigns and Parenting Skills programmes are constantly conducted to educate the public and parents on alternative forms of discipline.
- 113.42. **Accepted**
- 113.43. **Not Accepted**
Subject to the provisions of relevant laws including the Sedition Act (Cap 24), Undesirable Publications Act (Cap 25) and the Newspaper Act (Cap 105), an individual may peacefully exercise his/her right to freedom of expression. There is a need to balance freedom of expression with the need to protect people from being defamed. The current provisions of the legislation are sufficient to protect such freedom and maintain public order.
- 113.44. **Not Accepted**
See 113.43.
- 113.45. **Not Accepted**
See 113.43.
- 113.46. **Not Accepted**
See 113.43.
- 113.47. **Not Accepted**
See 113.43.
- 113.48. **Not Accepted**
See 113.43.
Brunei Darussalam highly regards the importance of freedom of religion of its population including those others residing in the country. In accordance with the Constitution, Islam is the official religion and other religious faiths are also practised in peace and harmony.
The Syariah Penal Code Order 2013 is necessary to strengthen the current criminal law and the current provisions of the domestic legislation are sufficient to protect such freedom and maintain public order.
- 113.49. **Not Accepted**

See 113.43.

Current legislation addresses and governs the right to form trade unions i.e. Trade Union Act (Cap 128). Furthermore, Brunei Darussalam does not restrict the formation of workers' associations whose principal purposes of which are under its constitution the regulation of the relations between workers and employers, or between workers and workers, or between employers and employers within Brunei Darussalam.

The rights to assembly are governed by the Public Order Act (Cap 148). The Act requires any person who wishes to organise a meeting in a public place to obtain permission from the Commissioner of the Royal Brunei Police Force before such meeting can be held. Such requirement is required so as to ensure that the assembly would not prejudice public peace and order.

The rights to association are governed by the Societies Act (Cap 203). The Act regulates associations in Brunei Darussalam and acts as a mechanism necessary to safeguard the peace and harmony of the country.

113.50. **Not Accepted**

See 113.43.

113.51. **Not Accepted**

Current labour legislation as well as enforcement practices sufficiently ensures that all workers, nationals and migrant, in Brunei Darussalam are employed in occupations that are not detrimental to their personal safety and wellbeing. Accordingly, issues of forced labour as well as unionisation are addressed in current legislation.

113.52. **Accepted**

This is already implemented. The Trafficking and Smuggling of Persons Order was enforced in 2004 to criminalise the activities of human trafficking, human smuggling and exploitation of the trafficked persons. The Women and Girls Protection Act (Cap 120) also criminalises the trafficking of women and girls.

113.53. **Partially Accepted**

See 113.12.

113.54. **Accepted**

113.55. **Not Accepted**

Brunei Darussalam is committed to promoting and protecting human rights in the country. The people of Brunei Darussalam continues to enjoy the provision of a first class education system; quality health services; adequate housing; and subsidies for essential commodities such as water and rice. Brunei Darussalam has also achieved almost all of the targets set forth in the Millennium Development Goals.

Furthermore, the current provisions of domestic legislation are sufficient to protect fundamental freedom and maintain public order.

113.56. **Not Accepted**

See 113.48.

The rights and welfare of women in this country are and have always been protected and taken care of. Brunei Darussalam recognises that gender equality and women's empowerment are crucial for the advancement of women towards national development. Women's rights to education, health, employment, political

and public life as well as participation at the international level are recognised and given importance. There are general and specific laws that address criminal acts against women.

The laws of Brunei Darussalam apply to everyone without any discrimination.

- 113.57. **Not Accepted**
Provisions under the Married Women Act (Cap 190) and the Islamic Family Law Act (Cap 217) protects women against violence in the household. The two laws provide extensive protection for abused family members, through among others, the issuance of protection orders, the award of compensation to the victims, and the power of police officers to make arrest without warrant.
- 113.58. **Not Accepted**
See 113.18 and 113.48.
- 113.59. **Accepted**
- 113.60. **Not Accepted**
See 113.48.
- 113.61. **Not Accepted**
See 113.18.
- 113.62. **Accepted**
- 113.63. **Not Accepted**
See 113.48.
- 113.64. **Not Accepted**
See 113.18 and 113.48.
- 113.65. **Not Accepted**
See 113.48.
- 113.66. **Not Accepted**
See 113.18 and 113.48.
- 113.67. **Partially Accepted**
See 113.48.
Steps have been taken by the relevant Committee to disseminate relevant information regarding the implementation of the Syariah Penal Code Order 2013 to the general public including foreigners and non-Muslims.
- 113.68. **Not Accepted**
See 113.48.
- 113.69. **Not Accepted**
See 113.56.
- 113.70. **Not Accepted**
See 113.56.
- 113.71. **Not Accepted**
See 113.56.

- 113.72. **Not Accepted**
See 113.56.
- 113.73. **Not Accepted**
See 113.43.
- 113.74. **Not Accepted**
In practice, cases involving child or young person offenders committing less serious offences are rarely brought to court.
In cases where children or young persons are convicted in court, the court may in appropriate cases, instead of imposing sentence of fine or imprisonment, impose alternative sentences such as discharge them after due admonition, deliver them to their parent or guardian or nearest adult relative, release on probation of good conduct or commit to custody in a place of detention.
- 113.75. **Not Accepted**
See 113.74.
- 113.76. **Not Accepted**
See 113.74.
- 113.77. **Not Accepted**
See 113.74.
- 113.78. **Not Accepted**
See 113.74.
- 113.79. **Accepted**
- 113.80. **Accepted**
- 113.81. **Accepted**
- 113.82. **Accepted**
- 113.83. **Accepted**
- 113.84. **Accepted**
- 113.85. **Not Accepted**
The existence of an inter-agency consultative mechanism, which works closely with NGOs and civil society, has ensured that human rights in the country are well promoted and protected.
At the regional level, the ASEAN Intergovernmental Commission on Human Rights (AICHR), where Brunei Darussalam was involved intensively in its establishment, sets the stage for further understanding the roles and functions of a human rights institution.
- 113.86. **Not Accepted**
See 113.85.
- 113.87. **Not Accepted**
See 113.85.
- 113.88. **Not Accepted**

	See 113.85.
113.89.	Not Accepted See 113.85.
113.90.	Accepted
113.91.	Accepted
113.92.	Accepted
113.93.	Accepted
113.94.	Accepted
113.95.	Accepted
113.96.	Accepted
113.97.	Accepted
113.98.	Accepted
113.99.	Accepted
113.100.	Accepted
113.101.	Accepted
113.102.	Accepted
113.103.	Accepted
113.104.	Accepted
113.105.	Partially Accepted There is no specific subject or course on human rights taught in any educational institutions. However, the principle values, social and cultural rights are instilled through special topics in subjects such as Civic; Malay Islamic Monarchy; Islamic Religious Knowledge; and Social Studies.
113.106.	Partially Accepted See 113.105.
113.107.	Accepted
113.108.	Accepted
113.109.	Accepted
113.110.	Accepted
113.111.	Accepted
113.112.	Accepted
113.113.	Accepted
113.114.	Accepted
113.115.	Accepted

- 113.116. **Accepted**
- 113.117. **Accepted**
- 113.118. **Partially Accepted**
A request on such initiatives is welcomed. Additionally, Brunei Darussalam submitted its combined second and third periodic reports to the Committee on the Rights of the Child in October 2013.
- 113.119. **Partially Accepted**
See 113.118.
- 113.120. **Partially Accepted**
See 113.118.
- 113.121. **Accepted**
- 113.122. **Accepted**
- 113.123. **Accepted**
- 113.124. **Accepted**
- 113.125. **Partially Accepted**
See 113.12.
In regards to age of marriage for women, although the minimum age of marriage provided under the relevant laws is below 18 years, the laws lay certain conditions before a marriage can be concluded. These conditions are imposed to ensure that any party, who wishes to marry, including those under the age of 18 years, has been fully qualified and ready in all aspects to enter into marriage life.
- 113.126. **Not Accepted**
See 113.18.
- 113.127. **Not Accepted**
See 113.18.
- 113.128. **Not Accepted**
See 113.18.
- 113.129. **Not Accepted**
See 113.18.
- 113.130. **Not Accepted**
See 113.18.
- 113.131. **Not Accepted**
See 113.18.
- 113.132. **Not Accepted**
See 113.18.
- 113.133. **Accepted**
- 113.134. **Accepted**

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- 113.135. **Accepted**
- 113.136. **Not Accepted**
See 113.41.
- 113.137. **Not Accepted**
See 113.41. Children and Young Persons Act (Cap 219) prohibits a child from being sentenced or ordered to be imprisoned for any offence or be committed to prison in default of payment or fine or cost.
- 113.138. **Accepted**
- 113.139. **Accepted**
- 113.140. **Accepted**
- 131.141. **Accepted**
- 131.142. **Accepted**
- 131.143. **Accepted**
- 131.144. **Accepted**
- 131.145. **Accepted**
- 131.146. **Accepted**
- 131.147. **Accepted**
- 131.148. **Accepted**
- 131.149. **Accepted**
- 131.150. **Not Accepted**
Brunei Darussalam highly regards the importance of freedom of religion of its population including those others residing in the country. In accordance with the Constitution, Islam is the official religion and other religious faiths are also practised in peace and harmony.
The importation of religious materials or scriptures regardless of any faiths is not banned in the country. Such items, whenever necessary, may be subjected to certain screening procedures.
- 131.151. **Not Accepted**
See 113.43.
- 131.152. **Not Accepted**
See 113.43.
- 131.153. **Accepted**
- 131.154. **Accepted**
- 131.155. **Accepted**
- 131.156. **Accepted**
- 131.157. **Accepted**

131.158.	Accepted
131.159.	Accepted
131.160.	Accepted
131.161.	Accepted
131.162.	Accepted
131.163.	Accepted
131.164.	Accepted
131.165.	Accepted
131.166.	Accepted
131.167.	Accepted
131.168.	Accepted
131.169.	Accepted
131.170.	Accepted
131.171.	Accepted
131.172.	Accepted
131.173.	Accepted
131.174.	Accepted
131.175.	Accepted
131.176.	Accepted
131.177.	Accepted
131.178.	Accepted
131.179.	Partially Accepted See 113.105.
131.180.	Not Accepted See 113.105.
131.181.	Accepted
131.182.	Accepted
131.183.	Accepted
131.184.	Accepted
131.185.	Accepted
131.186.	Accepted
131.187.	Partially Accepted

See 113.105.

131.188. **Accepted**

131.189. **Accepted**
