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Universal periodic review

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

* The present document is being issued without formal editing.



1. The Government of Brunei Darussalam has carefully reviewed the 248 recommendations that it received during the forty-seventh session of the Working Group of the Universal Periodic Review of the Human Rights Council. Brunei Darussalam accepts 159 recommendations, including those that have been implemented, are being implemented, and will be implemented in future. This includes those that are appropriate and relevant to its national context, priorities and circumstances.
2. The partial support for 7 recommendations are those that Brunei Darussalam agrees to in part but not in its entirety, as this may be due, among others, to the following:
 - (a) Brunei Darussalam does not agree with part of the recommendation; or
 - (b) Brunei Darussalam does not agree with the specific wording used in the recommendations; or
 - (c) Brunei Darussalam is supportive of the spirit and the principle(s) of the recommendations but could not fully accomplish the recommendations, for example within the stated timeline.
3. Brunei Darussalam notes 82 recommendations, as it cannot support recommendations that are predicated on inaccurate assertions or assumptions, or erroneous information, or where the recommendations are not appropriate in its national context.
4. The specific replies are as follows:

<i>Recommendation</i>	<i>Position</i>
124.1	Partially Support Brunei Darussalam remains committed to the international human rights obligations which it is party to namely the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC), Convention on the Rights of Persons with Disabilities (CRPD), Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC) and Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OP-CRC-AC). Brunei Darussalam is currently taking steps towards ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).
124.2	Support See 124.1.
124.3	Noted See 124.1.
124.4	Noted See 124.1.
124.5	Partially Support See 124.1.
124.6	Partially Support Brunei Darussalam is currently taking steps towards ratification of UNCAT.
124.7	Noted See 124.1.
124.8	Noted See 124.1.

<i>Recommendation</i>	<i>Position</i>
124.9	Noted See 124.1.
124.10	Noted See 124.1.
124.11	Partially Support See 124.6.
124.12	Noted See 124.1.
124.13	Noted See 124.1.
124.14	Noted See 124.1.
124.15	Partially Support See 124.1 and 124.6.
124.16	Support
124.17	Support
124.18	Support
124.19	Support
124.20	Support
124.21	Support
124.22	Support
124.23	Support
124.24	Support
124.25	Support
124.26	Noted See 124.1.
124.27	Noted See 124.1.
124.28	Noted See 124.1.

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.

Despite not being a party to the 1954 Convention relating to the Status of Stateless Persons, Brunei Darussalam issues its stateless permanent residents with an

<i>Recommendation</i>	<i>Position</i>
	“International Certificate of Identity (ICI)” to facilitate their travel abroad and return to the country. Further, Brunei Darussalam ensures inclusive application of the Births and Deaths Registration Act, which requires that the births of all children, including stateless children, born in Brunei Darussalam should be registered. This information helps provide access to education, healthcare and employment, as well as benefits where relevant.
124.29	Noted See 124.28.
124.30	Noted See 124.28.
124.31	Noted See 124.28.
124.32	Noted See 124.28.
124.33	Noted See 124.28.
124.34	Noted See 124.1.
124.35	Support
124.36	Support
124.37	Support
124.38	Noted See 124.1.
124.39	Noted Brunei Darussalam maintains its reservation on Article 9 (2) of CEDAW. 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 only as either Brunei nationals or the nationality of the father.
124.40	Noted See 124.39.
124.41	Noted See 124.39.
124.42	Support
124.43	Noted See 124.39.
124.44	Support
124.45	Support

<i>Recommendation</i>	<i>Position</i>
124.46	Noted
124.47	Noted
124.48	Noted Corporal punishment is carried out as a lawful sanction, and is not undertaken in an arbitrary manner as high evidentiary requirements need to be met for the prosecution of relevant offences.
124.49	Noted See 124.48.
124.50	Noted See 124.48.
124.51	Support
124.52	Support
124.53	Support
124.54	Noted Brunei Darussalam utilises an inter-agency consultative mechanism, which works closely with NGOs and civil societies, and which has ensured human rights in the country are well promoted and protected. At the regional level, Brunei Darussalam is actively involved in the work of the ASEAN Intergovernmental Commission on Human Rights (AICHR), which sets the stage for further understanding the roles and functions of a human rights institution.
124.55	Noted See 124.54.
124.56	Support
124.57	Noted
124.58	Support
124.59	Support
124.60	Noted
124.61	Noted Brunei maintains a de facto moratorium on the execution of death penalty for cases under the common law as well as the Syariah Penal Code Act. There is no international consensus on the death penalty, and the death penalty is not prohibited by international law. Brunei Darussalam maintains it is the sovereign right of all countries to develop their own legal systems, including determining appropriate legal penalties, in accordance with their international law obligations.
124.62	Noted See 124.61.
124.63	Noted See 124.61.
124.64	Noted

<i>Recommendation</i>	<i>Position</i>
	See 124.1.
124.65	Noted See 124.61.
124.66	Noted See 124.61.
124.67	Noted See 124.61.
124.68	Noted
124.69	Support
124.70	Noted Brunei Darussalam highly regards the importance of freedom of religion and as reflected in its Constitution, Islam is the official religion and other religions may be practiced in peace and harmony. Burying of the dead and maintenance of places of worship is allowed and made through applications to relevant government agencies.
124.71	Noted See 124.48.
124.72	Noted
124.73	Noted
124.74	Noted Individuals may peacefully exercise his/her right to freedom of expression. Nevertheless, such rights and freedoms must be exercised responsibly within a legal framework. The relevant laws that regulate freedom of expression and media freedom are necessary to ensure national security and public order. There is a need to maintain a balance between freedom of expression and the need to protect persons or any race or religion from defamation or denigration as well as from misrepresentations and falsehood.
124.75	Noted See 124.74.
124.76	Noted See 124.74.
124.77	Noted See 124.74.
124.78	Noted See 124.74.
124.79	Noted See 124.74.
124.80	Noted See 124.74.

<i>Recommendation</i>	<i>Position</i>
124.81	Noted See 124.74.
124.82	Noted See 124.74.
124.83	Noted See 124.74.
124.84	Support
124.85	Support
124.86	Support See 124.6.
124.87	Support Brunei Darussalam affirms the right of privacy of individuals, and understands that domestic laws of the country should also be observed. The law is established to respect and protect the religion and social fabric and values of Brunei society. The basic rights of the accused are guaranteed, with various stringent safeguards to ensure a fair and proper administration of justice as well as high evidential threshold required for the prosecution of relevant offences.
124.88	Support
124.89	Support
124.90	Support
124.91	Support
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124.97	Support
124.98	Support
124.99	Support
124.100	Support
124.101	Support
124.102	Support
124.103	Support
124.104	Support
124.105	Support
124.106	Support
124.107	Partially Support

<i>Recommendation</i>	<i>Position</i>
	Brunei Darussalam recognises the importance of gradual and carefully calibrated measures to extend the Employment (Minimum Wage) Order 2023 across all sectors. These measures are designed to safeguard economic growth, maintain business viability, and promote inclusivity in the labour market. The government emphasises the need for a structured and phased implementation based on industry-specific considerations.
124.108	Noted Brunei Darussalam signed two ASEAN Declarations on the Protection and Promotion of the Rights of Migrant Workers on 13 January 2007 and 14 November 2017 in Cebu and Manila respectively, which includes: (a) the fundamental rights of migrant workers and members of their families; and (b) as the commitments of ASEAN Member States, to take into account the fundamental rights and dignity of migrant workers and family members already residing with them.
124.109	Support
124.110	Support
124.111	Support
124.112	Support
124.113	Support
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124.116	Support
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124.125	Support
124.126	Support
124.127	Support
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124.129	Support
124.130	Support
124.131	Support

<i>Recommendation</i>	<i>Position</i>
124.132	Support
124.133	Support
124.134	Support
124.135	Support
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124.138	Support
124.139	Support
124.140	Support
124.141	Support
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124.163	Support
124.164	Support
124.165	Support

<i>Recommendation</i>	<i>Position</i>
124.166	Support
124.167	Noted
124.168	Support
124.169	Support
124.170	Support
124.171	Support
124.172	Support
124.173	Support
124.174	Support
124.175	Support
124.176	Support
124.177	Support
124.178	Support
124.179	Support
124.180	Support
124.181	Support
124.182	Support
124.183	Support
124.184	Support
124.185	Support
124.186	Noted The law allows for a woman to undergo abortion under certain medical circumstances which threaten her life.
124.187	Support
124.188	Support
124.189	Support
124.190	Support
124.191	Support
124.192	Support
124.193	Support
124.194	Support
124.195	Support
124.196	Support
124.197	Noted

<i>Recommendation</i>	<i>Position</i>
	Various laws including the Married Women Act, the Islamic Family Law Act, and the Penal Code, protect women against violence in the household. These 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.
124.198	Support See 124.197.
124.199	Noted 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, are fully qualified and ready in all aspects to enter into marriage life, and consents to marriage. Guardian's consents are also required for minors.
124.200	Noted See 124.199.
124.201	Support
124.202	Support
124.203	Partially Support Corporal punishment of children in educational institutions is prohibited by the Education (School Discipline) (Amendment) Regulations, 2018.
124.204	Support
124.205	Noted Corporal punishment is prohibited by law in all educational institutions. See 124.203. 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.
124.206	Noted See 124.48 and 124.205.
124.207	Noted See 124.48 and 124.205.
124.208	Support
124.209	Support
124.210	Support
124.211	Support
124.212	Support
124.213	Support

<i>Recommendation</i>	<i>Position</i>
124.214	Support
124.215	Support
124.216	Support
124.217	Support
124.218	Support
124.219	Support
124.220	Support
124.221	Support
124.222	Support
124.223	Support
124.224	Support
124.225	Support
124.226	Support
124.227	Support
124.228	Support
124.229	Support
124.230	Noted
124.231	Noted
124.232	Noted
124.233	Noted
124.234	Noted
124.235	Noted
124.236	Noted
124.237	Noted
124.238	Noted
124.239	Noted
124.240	Noted
124.241	Noted
124.242	Noted
124.243	Noted
124.244	Noted
124.245	Noted
124.246	Noted
124.247	Noted

<i>Recommendation</i>	<i>Position</i>
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124.248	Noted
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