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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-seventh session**  
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## **Brunei Darussalam**

### **Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.<sup>1</sup> It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with human rights mechanisms**

2. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that Brunei Darussalam was not a party to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. However, Brunei Darussalam had ratified several international human rights instruments that were relevant to the protection of refugees, asylum-seekers and stateless persons. UNHCR recommended that Brunei Darussalam accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. It also recommended that Brunei Darussalam accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>2</sup>

3. UNHCR recommended that Brunei Darussalam accede to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and to the ASEAN Convention against Trafficking in Persons, Especially Women and Children.<sup>3</sup>

4. UNHCR observed that Brunei Darussalam maintained a reservation to article 9 (2) of the Convention on the Elimination of Discrimination against Women and recommended withdrawing that reservation.<sup>4</sup>

5. The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Brunei Darussalam to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.<sup>5</sup>

6. UNESCO noted that Brunei Darussalam had not submitted its national report on the implementation of the 2017 Recommendation on Science and Scientific Researchers for the consultation period from 2017 to 2021. UNESCO also encouraged Brunei Darussalam to



report to UNESCO in the context of the second consultation concerning the 2017 Recommendation, scheduled for 2024, on implementation actions, especially legislative or other measures to ensure uptake of those norms and standards in national law, policy and practice.<sup>6</sup>

### **III. Promotion and protection of human rights**

#### **A. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

##### **1. Equality and non-discrimination**

7. UNHCR noted that the Brunei Nationality Act granted nationality to persons born in or outside of Brunei Darussalam on the basis of race, either as members of “Indigenous groups of the Malay race” or as members of “any of the groups specified in the First Schedule to the Act”. Race therefore became the primary criterion by which nationality was acquired by operation of the law, contributing to the creation of conditions for statelessness in Brunei Darussalam. The affected populations were predominantly of Chinese origin, as they were not considered as an “Indigenous group of the Malay race” and were not listed in the First Schedule to the Nationality Act. UNHCR recommended that the Government of Brunei Darussalam amend the Nationality Act to remove the racially discriminatory provisions, and that that amendment be made retroactive in effect, and also that the Government identify and rectify the statelessness situation of those affected by legislation currently in place.<sup>7</sup>

##### **2. Fundamental freedoms**

8. UNESCO reported that under the country’s Syariah Penal Code (sharia law), acts of *irtidad* (apostasy) were criminalized with sentences of up to 30 years’ imprisonment, up to 40 strokes, and the death penalty. UNESCO observed that blasphemy was criminalized with sentences of up to 30 years’ imprisonment, up to 40 strokes, and the death penalty.<sup>8</sup>

9. UNESCO noted that the Constitution of Brunei Darussalam, revised in 2011, did not contain any articles or provisions on freedom of expression or press freedom, which were limited in Brunei Darussalam through various pieces of legislation. UNESCO also noted that the Sedition Act included a penalty of up to three years of imprisonment for publishing materials with seditious intentions. The Undesirable Publications Act empowered the minister to prohibit the importation or sale of publications deemed to be against public interests. The printing, dissemination, importing, broadcasting and distribution of publications deemed contrary to sharia law was criminalized with sentences of up to two years of imprisonment. UNESCO encouraged the Government to revise the existing legislation, in particular undefined and overly broad terminology, which might restrict the exercise of freedom of expression in ways that were incompatible with international human rights law.<sup>9</sup>

10. UNESCO noted that the country’s Penal Code criminalized defamation with sentences of up to five years’ imprisonment. It recommended that the Government decriminalize defamation and place it within a civil code that was in accordance with international standards.<sup>10</sup>

11. UNESCO also noted that the Broadcasting Act of 1997 empowered the minister responsible for the broadcasting sector to exercise licensing and regulatory functions in respect of broadcasting services and industry. Moreover, the Local Newspapers Order (1958/2001) made obtaining annual publishing permits from the Minister of Home Affairs mandatory for starting a newspaper, which could be refused, suspended or revoked without giving a reason and without judicial review. UNESCO encouraged the Government to assess and increase the transparency of the appointment system for the broadcasting licensing authority to ensure that the independence of that body was guaranteed, in compliance with international standards on freedom of expression.<sup>11</sup>

12. UNESCO recorded no killings of journalists in Brunei Darussalam since 2006 when systematic reporting by UNESCO began.<sup>12</sup>

13. UNESCO encouraged the Government to introduce a freedom of information law in accordance with international standards and to establish an independent oversight institution with the capacity to implement the law on access to information.<sup>13</sup>

### **3. Right to marriage and family life**

14. Within the framework of the seventy-fifth anniversary of the Universal Declaration of Human Rights, Brunei Darussalam pledged to empower the family to support the promotion and protection of the rights of its members, to enhance the contribution of the family in the achievement of the Sustainable Development Goals, to prioritize family-based care in humanitarian settings, and to support the family in the digital environment. Brunei Darussalam also reaffirmed its commitment to support and protect the family, and to make its best efforts and take necessary measures, including implementing its obligations under relevant provisions of international human rights law, regarding the support and protection of the family.<sup>14</sup>

### **4. Prohibition of all forms of slavery, including trafficking in persons**

15. UNHCR stated that in the previous cycle, Brunei Darussalam had noted two recommendations, made by the United States of America and the Islamic Republic of Iran, regarding the prevention of trafficking in persons. It also reported that Brunei Darussalam did not have a refugee status determination system, or any referral mechanisms for victims of trafficking with possible international protection needs to access it. Therefore, trafficking victims with international protection needs who did not have the proper documentation to remain in the country may be reluctant to seek assistance from State authorities to escape their situation, for fear of being detained and/or deported to a country where they would face persecution. UNHCR recommended that the Government of Brunei Darussalam continue and improve efforts to ensure proper investigation and prosecution and adequate sanctions in all cases of human trafficking, including through the training of government officials, such as law enforcement officials and the judiciary; that it allocate resources to provide for adequate protection and other forms of assistance to victims and witnesses of human trafficking, including through the establishment and the running of safe shelters; and that it establish, within domestic legislation and practice, a referral mechanism for victims of trafficking who may be in need of international protection to access a refugee status determination procedure.<sup>15</sup>

### **5. Right to work and to just and favourable conditions of work**

16. The Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) had previously noted that, according to section 120 (1) (b) of the Employment Order, 2009, in the course of an inspection, the employer may be required to produce, among other things, contracts of service and registers concerning any or all of his employees. The ILO Committee of Experts requested the Government to indicate whether the registers or lists included information regarding the names and ages or dates of birth of employed persons who were less than 18 years of age, duly certified wherever possible, as required under article 9 (3) of the Minimum Age Convention, 1973 (No. 138).<sup>16</sup>

17. The ILO Committee of Experts noted that section 110 of the Employment Order, 2009 provided that the person who employed a child or young person contravening the Order, and the parent or guardian who knowingly or negligently permitted such employment, was liable to a fine or imprisonment for up to two years, or both. In cases where a child had suffered serious injury or death resulting from such an offence, the offender was liable, with a further conviction, to a fine and imprisonment for up to two years. The same Committee once again requested the Government to provide information on the application in practice of section 110 of the Employment Order, 2009, including information on the number and nature of the penalties imposed on the basis of that provision.<sup>17</sup>

### **6. Right to health**

18. UNESCO urged Brunei Darussalam to consider expanding the scope of application of freedom of expression to include scientists and scientific researchers and to address the

relevant dimensions of the right to science in its reporting on the impact of the coronavirus disease (COVID-19) pandemic and the assessment of responses thereto.<sup>18</sup>

19. The World Health Organization noted that Brunei Darussalam had conducted an assessment on creating age-friendly cities and communities, in pilot districts.<sup>19</sup>

20. The relevant Joint United Nations Programme on HIV/AIDS (UNAIDS) country factsheet showed that there were no data available from Brunei Darussalam regarding HIV and AIDS.<sup>20</sup>

21. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) noted that the country's Ministry of Health had set guidelines for the management of the Mental Health Helpline, 145, and the operators staffing the helpline had been trained to handle sensitive and confidential calls from the public. Likewise, medical social work officers were posted in each of the four districts of the country to handle gender-sensitive cases of violence against women following a set of standard operating procedures. In addition, counsellors, therapists and psychologists had access to the medical history/archives for the referral of cases and were trained to handle victims/survivors of cases of violence against women.<sup>21</sup>

## 7. Right to education

22. The ILO Committee of Experts noted that section 2 of the Compulsory Education Act (chap. 211) made education compulsory from the age of 6 to 15 years. The Committee also noted that, pursuant to section 3 (1) (b), only children who were citizens of Brunei Darussalam were covered by the Act. It requested the Government once again to indicate the measures taken to ensure that children who were not citizens were guaranteed compulsory education from the age of 6 to 15 years, in common with other children in the country.<sup>22</sup>

23. UNESCO noted that the Constitution, as amended in 2008, did not guarantee the right to education and nor did any legislation enshrine the right to education. It encouraged Brunei Darussalam to ensure legal guarantees of at least 12 years of free primary and secondary education, and one year of free pre-primary education.<sup>23</sup>

24. UNESCO encouraged Brunei Darussalam to strengthen efforts to increase enrolment in tertiary education; continue to ensure regular reporting to the UNESCO Institute for Statistics on education data, especially on investment in education; continue to regularly submit comprehensive national reports for the periodic consultations on the UNESCO education-related standard-setting instruments, and notably for the ongoing eleventh consultation on the Convention against Discrimination in Education (2024 and 2025); and share with UNESCO any relevant information to update its country profile on the UNESCO Observatory on the Right to Education and Her Atlas.<sup>24</sup>

25. In December 2023, within the framework of the seventy-fifth anniversary of the Universal Declaration of Human Rights, Brunei Darussalam pledged to ensure that its people led harmonious, dignified and empowered lives by fostering more inclusive and equitable quality education and training, through the provision of decent jobs and better services and through an enabling ecosystem supported by assistive technologies.<sup>25</sup>

26. UN-Women noted that the Ministry of Education had integrated Melayu Islam Beraja into the curriculum, where students were taught good values such as compassion, respect for each other and anti-bullying.<sup>26</sup>

## 8. Cultural rights

27. UNESCO reported that the Constitution of Brunei Darussalam did not mention explicitly the right to share in scientific advancement and its benefits, and nor did it include any provision referring to it implicitly.<sup>27</sup>

28. UNESCO invited Brunei Darussalam to engage in the UNESCO programme on the promotion of scientific freedom and the safety of scientists and to support the related call to action in line with the 2017 Recommendation on Science and Scientific Researchers and decisions of the UNESCO General Conference and Executive Board.<sup>28</sup>

29. UNESCO invited Brunei Darussalam to upscale efforts to ensure the full and comprehensive implementation and monitoring of the 2017 recommendation in accordance with the relevant decision of the UNESCO Executive Board.<sup>29</sup> UNESCO stated that it stood ready to support Brunei Darussalam in developing and nurturing its science ecosystem, and for the protection of its science and scientific researchers, in line with the above-mentioned recommendation.<sup>30</sup>

30. Brunei Darussalam was encouraged by UNESCO to expand its input on issues covered by the 2017 Recommendation in its national report for the universal periodic review – particularly by providing information about the implementation of constitutional provisions and national legislation on the right to science and scientific freedom – to allow further discussions thereon at the Human Rights Council and the formulation of specific recommendations.<sup>31</sup>

31. UNESCO encouraged Brunei Darussalam to facilitate the participation of communities, practitioners, cultural actors and non-governmental organizations from civil society as well as of vulnerable groups in cultural life, and to ensure that equal opportunities were given to women and girls in order to address gender disparities.<sup>32</sup>

## 9. Development and the environment

32. The United Nations Children’s Fund (UNICEF) noted that Brunei Darussalam had data on only 21 of the 48 child-related Sustainable Development Goals.<sup>33</sup>

33. The International Monetary Fund (IMF) welcomed the Government’s efforts to support the country’s economic diversification and climate transition goals and urged the authorities to continue to press ahead with critical policy reforms, given the importance of these goals for the long-term prosperity of Brunei Darussalam. The priorities included human capital development, digitalization, enhancing public investments and public-private partnerships, regional integration, and data quality. Despite the country’s small global emissions share, IMF welcomed its ambitious commitment to achieve a net zero target by 2050.<sup>34</sup>

34. In December 2023, within the framework of the seventy-fifth anniversary of the Universal Declaration of Human Rights, Brunei Darussalam pledged to increase its implementation of Sustainable Development Goal 12 in achieving sustainable consumption and production through initiatives such as enhancing waste management via increased awareness campaigns and recycling programmes; waste minimization with plastic reduction or elimination policies; promoting sustainable tourism by increasing domestic tourism; and encouraging businesses to adopt sustainable practices, offer accessible options to use less plastic, utilize recycled packaging, and offer sustainable products to further promote green consumerism.<sup>35</sup>

## B. Rights of specific persons or groups

### 1. Women

35. UN-Women noted that although there were no official national statistics on the prevalence of violence against women in Brunei Darussalam, administrative data were gathered from different agencies that received complaints and handled cases, either through the national helplines or the police. The Royal Brunei Police Force maintained registers of cases of wife abuse, and of domestic violence, including maid abuse and sexual offences, and the Ministry of Health, through its hospitals, maintained registers of women regarding health issues and cases of violence against women, including against women with disabilities. Moreover, the Disease Control Division of the Ministry of Health maintained registers on cases relating to violence against women, wife abuse, protection and rehabilitation, and elderly women who had been neglected.<sup>36</sup>

36. UN-Women reported that Brunei Darussalam did not have a specific domestic violence law, however both the Islamic Family Law Act (chap. 217) and the Married Women Act had been amended in 2014 to include provisions on domestic violence, and both provided for protection orders and expedited orders for the removal of the perpetrator from the home.

While domestic violence was not a criminal offence under the law, victims/survivors were entitled to compensation in such cases under the Islamic Family Law Act (sect. 60E). In 2017, the Penal Code had been amended: (a) to expand the definition of rape to also include instances where the perpetrator is in a position of trust or authority (that is to say, a person does not consent if the sexual intercourse was induced by a person of trust and authority); and (b) to increase the penalty for rape committed by a person in a position of trust and for the rape of a girl under the age of 14.<sup>37</sup>

37. UN-Women reported that in Brunei Darussalam, in order to address sexual harassment in workplaces and public spaces, the Ministry of Religious Affairs had included, in its pre-marriage courses, topics on physical or mental spousal abuse. The family advisory section provided advice, guidance and counselling. In post-marriage courses, representatives from the Royal Brunei Police Force had been invited to talk about the mechanism for reporting violence against women before syariah courts under the Islamic family law. Those initiatives had been carried out between 2014 and 2018.<sup>38</sup>

38. UN-Women noted that as at 1 January 2021, no women were serving in the Government of Brunei Darussalam.<sup>39</sup>

39. In December 2023, within the framework of the seventy-fifth anniversary of the Universal Declaration of Human Rights, Brunei Darussalam pledged to demonstrate its commitment to the advancement and development of women through the introduction of its first national plan of action on women. It reported that that action plan would be developed following year-long national research on women's development that would identify gaps and challenges in order to support the formulation of policies that would improve women's development through gender equity, capacity-building and self-development. Priority areas identified by the country included the promotion and protection of women's rights, health care, economic empowerment, employment and work-life balance.<sup>40</sup>

## 2. Children

40. UNICEF reported that for World Children's Day on 20 November 2021, Brunei Darussalam had participated in several online discussions and programmes involving children and youth, organized by the country's Ministry of Youth, Culture and Sports, and that two bridges had been turned blue on 20–22 November 2021 to honour children's rights.<sup>41</sup>

41. UNESCO noted that under the Marriage Act (chap. 76), the minimum age of marriage was 14 years. However, the country's Chinese Marriage Act (chap. 126) established that the minimum legal age of marriage was 15 years for girls, with no minimum age for boys, and no minimum age of marriage for boys or girls had been identified in the Islamic family law. UNESCO encouraged Brunei Darussalam to amend the existing legislation pertaining to the minimum age of marriage to universally raise the age to 18 years, without any exceptions.<sup>42</sup>

42. UNESCO reported that according to the Education (Registration of Educational Institutions) Regulations, 2011, the use of corporal punishment within educational institutions was lawful on boys (art. 5). UNESCO encouraged Brunei Darussalam to revise the Education (Registration of Educational Institutions) Regulations to prohibit corporal punishment and all kinds of violence in education.<sup>43</sup>

43. The ILO Committee of Experts noted the adoption of the National Framework on Child Protection towards achieving Brunei Vision 2035, which included among its objectives that all children and young persons who may need protection were not left behind, including by ensuring an agreed and transparent standard operating procedure across agencies involved in child protection. The Committee requested the Government to indicate whether, under the national framework, measures concerning the elimination of child labour had been taken or envisaged and, if so, to provide information in that regard.<sup>44</sup>

44. The ILO Committee of Experts noted that under section 107 (1) of the Employment Order, 2009, the prohibition on employing a child below the age of 15 years in industrial undertakings (sect. 103 of the Order) did not apply to the employment of children in any work approved and supervised by the Ministry of Education, the Institute of Technical Education or any authorized government agency, nor to work carried out in any technical, vocational or industrial training school or institute. The Committee recalled that article 6 of

the Minimum Age Convention, 1973 (No. 138) only permitted children who had attained the age of 14 years to undertake work for general, vocational or technical education or in other training institutions authorized by the competent authority. The Committee requested the Government to take the necessary measures to ensure that no child under the age of 14 years may undertake work for general, vocational or technical education purposes.<sup>45</sup>

45. The ILO Committee of Experts requested the Government to take the necessary measures to determine the types of light work activities permitted for persons between the ages of 14 to 16 years, and to indicate any regulation adopted by the Minister of Home Affairs concerning the number of hours during which, and the conditions in which, light work may be undertaken.<sup>46</sup> The Committee noted that according to section 9 (1) of the Employment Order, 2009, no person under the age of 16 years could enter into a contract or service. The Committee also noted that, under section 103 (2), a child (defined in sect. 2 as a person who has not attained the age of 15 years) may be employed in an industrial undertaking in which only members of the same family were employed. The Committee recalled that the Government had specified the age of 16 years as the minimum age for admission to employment or work upon its ratification of the Minimum Age Convention, 1973 (No. 138). It requested the Government to take measures to ensure that only children who had attained the minimum age of 16 years could engage in self-employed activities or work in family undertakings. It also requested the Government to provide information in that respect.<sup>47</sup>

46. The ILO Committee of Experts had previously noted that the Department of Labour and the Attorney General's Chambers had undertaken consultations to formulate a list of types of hazardous work prohibited to young persons under the age of 18 years, which was intended for finalization in 2020 after consultations with the relevant stakeholders. The Committee requested the Government to take the necessary measures to ensure that the list of types of hazardous work prohibited to young persons under the age of 18 years was finalized and adopted in the very near future. It also requested the Government to continue providing information on the progress made in that regard.<sup>48</sup>

### **3. Older persons**

47. In December 2023, within the framework of the seventy-fifth anniversary of the Universal Declaration of Human Rights, Brunei Darussalam pledged to embrace a multifaceted strategy to ensure the well-being and dignity of the elderly. It stated that in anticipation of a significant increase in the population aged 60 and above by 2050, Brunei Darussalam would demonstrate its commitment through initiatives such as the Old Age Pension and Care Provider Allowance and the development of a new national plan for older persons. Brunei Darussalam noted that this plan would focus on a strategic approach for successful ageing, emphasizing physical, psychological and social well-being and advocating the importance of healthy ageing.<sup>49</sup>

### **4. Persons with disabilities**

48. In December 2023, within the framework of the seventy-fifth anniversary of the Universal Declaration of Human Rights, Brunei Darussalam pledged to improve the quality of life of persons with disabilities, to ensure inclusivity and equality. This was exemplified by the Persons with Disabilities Act 2021, which established a national register of persons with disabilities. That Act would also be a key component in the first national report by Brunei Darussalam to the Committee on the Rights of Persons with Disabilities, which was planned to be submitted in 2024.<sup>50</sup>

### **5. Migrants, refugees and asylum-seekers**

49. UNHCR stated that Brunei Darussalam had noted one recommendation, by Afghanistan and Uruguay, in the third cycle of the universal periodic review, regarding accession to the Convention relating to the Status of Refugees, of 1951, and its 1967 Protocol, however Brunei Darussalam had still not signed these. UNHCR believed that accession to these instruments would establish a clearer basis for the Government of Brunei Darussalam to provide refugees with international protection should anyone seek asylum in the country. It also encouraged the Government to routinely provide UNHCR with access to those individuals who may be in need of international protection so that UNHCR may assess their

international protection needs. UNHCR recommended that the Government strengthen cooperation with UNHCR in respect of the mandate of UNHCR for refugees and asylum-seekers, through the provision of statistics and the acceptance of technical support from UNHCR for the assessment of individuals' international protection needs. It also recommended establishing a domestic legal framework and administrative policies that would ensure that the country was in full compliance with international standards of treatment and protection of refugees and asylum-seekers.<sup>51</sup>

## 6. Stateless persons

50. UNHCR noted that birth registration contributed to the realization of the right of every child to a nationality. Birth registration helped to prevent statelessness by establishing a legal record of where a child was born and who his or her parents are. As such, it served as a key form of evidence of whether a person had acquired nationality by birth or by descent. UNHCR noted that the Births and Deaths Registration Law (chap. 79) of Brunei Darussalam provided that all children born on the territory should have their births registered. UNHCR recommended that the Government conduct a comparative review of regional good practices regarding birth registration, and implement policies that ensured that the births of all children were registered without discrimination.<sup>52</sup>

51. UNHCR noted that as at end of 2022, the Government had reported that there were 20,863 stateless permanent residents in Brunei Darussalam. It commended Brunei Darussalam on its facilitation of the integration and naturalization of certain stateless persons who were permanent residents. In 2022, Brunei Darussalam had granted citizenship to 442 persons. UNHCR believed that accession to the statelessness conventions would establish a stronger framework to prevent and reduce statelessness as well as to avoid the detrimental effects of statelessness on individuals and society by ensuring minimum standards of treatment for stateless persons. UNHCR recommended that Brunei Darussalam provide public statistics on the number and profile of stateless persons residing in Brunei Darussalam and statistics on the number of stateless persons able to acquire nationality, disaggregated by age, gender, ethnic origin and other relevant characteristics. UNHCR recommended that Brunei Darussalam strengthen its cooperation with it in respect of its statelessness mandate through the provision of statistics and acceptance of technical support from UNHCR on statelessness; and ensure that legal safeguards against statelessness were in place, especially the right of every child born in the country and otherwise stateless to acquire the nationality of Brunei Darussalam.<sup>53</sup>

52. UNHCR observed that although in the third cycle of the universal periodic review Brunei Darussalam had noted four recommendations, made by Argentina, Canada, France and the Republic of Korea, to take the measures necessary to guarantee that women enjoyed the same rights as men to transmit nationality to their children and spouses, Brunei Darussalam maintained a reservation to article 9 (2) of the Convention on the Elimination of All Forms of Discrimination against Women – regarding equal rights of men and women with respect to the nationality of their children.<sup>54</sup> In fact, the Government cited its national policy of single nationality recognition as justification for that reservation. It noted that children born to women who were citizens of Brunei Darussalam may either be registered as nationals of Brunei Darussalam or as nationals of their father's country, but were not allowed to have dual nationality. However, retaining a policy of single nationality was not incompatible with the Convention on the Elimination of All Forms of Discrimination against Women and did not require a reservation to article 9 of that treaty.<sup>55</sup>

53. UNHCR noted that gender inequality remained in the acquisition of nationality. The Brunei Nationality Act (chap. 15) provided that children of a mother who was a national of Brunei Darussalam and a non-national father born in Brunei Darussalam must submit applications to register as nationals of Brunei Darussalam. As this was not considered a right, the applications would be considered at the discretion of the Sultan. In contrast, a child born in Brunei Darussalam to a father who was a national of Brunei Darussalam and a non-national mother would acquire nationality of Brunei Darussalam automatically. Due to this position, UNHCR made a reference in its submission to the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, which had recommended previously that Brunei Darussalam review its Nationality Act and other



relevant legislation relating to nationality in order to ensure that women who were nationals of Brunei Darussalam could transfer nationality automatically to their children. Implementing those recommendations would mark a significant step forward in realizing gender equality and addressing statelessness. UNHCR recommended that the Government of Brunei Darussalam amend the Brunei Nationality Act to ensure that women who were nationals of Brunei Darussalam would have the equal right to confer citizenship of Brunei Darussalam automatically to their children, on the same basis as men who were nationals of Brunei Darussalam, and that that amendment be made retroactive in effect.<sup>56</sup>

## Notes

- 1 [A/HRC/42/11](#), [A/HRC/42/11/Add.1](#) and [A/HRC/42/2](#).
- 2 UNHCR submission for the universal periodic review of Brunei Darussalam, pp. 1–2 and 4.
- 3 UNHCR submission, p. 4.
- 4 *Ibid.*, pp. 1 and 3.
- 5 UNESCO submission for the universal periodic review of Brunei Darussalam, para. 27.
- 6 UNESCO submission, paras. 28–29.
- 7 UNHCR submission, p. 5.
- 8 UNESCO submission, para. 10.
- 9 *Ibid.*, paras. 8–10 and 23.
- 10 *Ibid.*, paras. 9 and 24.
- 11 *Ibid.*, paras. 12, 13 and 26.
- 12 *Ibid.*, para. 14.
- 13 *Ibid.*, para. 25.
- 14 Joint pledge. See <https://uhri.ohchr.org/en/pledges?countries=f4557f1b-a2d5-4bcd-ac4d-6b1dcb666f35>.
- 15 UNHCR submission, p. 4. For the relevant recommendations, see [A/HRC/42/11](#), paras. 121.27 and 121.115.
- 16 See [https://normlex.ilo.org/dyn/normlex/en/f/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4116093,103308:NO](https://normlex.ilo.org/dyn/normlex/en/f/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4116093,103308:NO).
- 17 See [https://normlex.ilo.org/dyn/normlex/en/f/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4116093,103308:NO](https://normlex.ilo.org/dyn/normlex/en/f/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4116093,103308:NO).
- 18 UNESCO submission, para. 31.
- 19 World Health Organization, *Report of the Regional Director: The Work of WHO in the Western Pacific Region 1 July 2022–30 June 2023*. See <https://iris.who.int/bitstream/handle/10665/372692/WPR-RC074-02-RDrep-2023-en.pdf?sequence=1>.
- 20 Joint United Nations Programme on HIV/AIDS (UNAIDS), country factsheets: Brunei Darussalam. See <https://www.unaids.org/en/regionscountries/countries/bruneidarussalam>.
- 21 United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), *Mid-Term Review of the ASEAN Regional Plan of Action on the Elimination of Violence against Women (2016–2025)*. See <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAAsia/Docs/Publications/2021/11/ap-evaw-MTR-REPORT-VAWG-22Nov2021.pdf>.
- 22 See [https://normlex.ilo.org/dyn/normlex/en/f/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4116093,103308:NO](https://normlex.ilo.org/dyn/normlex/en/f/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4116093,103308:NO).
- 23 UNESCO submission, paras. 2 and 16.
- 24 *Ibid.*, paras. 19–22.
- 25 Pledge submitted by Brunei Darussalam to the secretariat of the Human Rights 75 initiative, December 2023, p. 1.
- 26 UN-Women, *Mid-Term Review of the ASEAN Regional Plan of Action on the Elimination of Violence against Women (2016–2025)*. See <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAAsia/Docs/Publications/2021/11/ap-evaw-MTR-REPORT-VAWG-22Nov2021.pdf>.
- 27 UNESCO submission, para. 15.
- 28 *Ibid.*, para. 28.
- 29 *Ibid.*, para. 28.
- 30 *Ibid.*, para. 30.
- 31 *Ibid.*, para. 31.
- 32 *Ibid.*, para. 27.

- <sup>33</sup> UNICEF, Brunei Darussalam: Benchmarking child-related SDGs, September 2023. See <https://data.unicef.org/wp-content/uploads/cp/progress/BRN.pdf>.
- <sup>34</sup> International Monetary Fund, “IMF Executive Board concludes 2023 Article IV consultation with Brunei Darussalam”, 6 October 2023. See <https://www.imf.org/en/News/Articles/2023/10/04/pr23336-brunei-imf-executive-board-concludes-2023-article-iv-consultation-with-brunei-darussalam>.
- <sup>35</sup> Pledge submitted by Brunei Darussalam to the secretariat of the Human Rights 75 initiative, December 2023, p. 1.
- <sup>36</sup> UN-Women, Mid-Term Review of the ASEAN Regional Plan of Action on the Elimination of Violence against Women (2016–2025). See <https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEA/Docs/Publications/2021/11/ap-evaw-MTR-REPORT-VAWG-22Nov2021.pdf>.
- <sup>37</sup> Ibid.
- <sup>38</sup> Ibid.
- <sup>39</sup> UN-Women, “Women in politics: new data shows growth but also setbacks”, press release, 10 March 2021. See <https://www.unwomen.org/en/news/stories/2021/3/press-release-women-in-politics-new-data-shows-growth-but-also-setbacks>.
- <sup>40</sup> Pledge submitted by Brunei Darussalam to the secretariat of the Human Rights 75 initiative, December 2023, pp. 1–2.
- <sup>41</sup> UNICEF, Country Office Annual Report 2021. See <https://www.unicef.org/media/117196/file/Malaysia-2021-COAR.pdf>.
- <sup>42</sup> UNESCO submission, paras. 4 and 17.
- <sup>43</sup> Ibid., paras. 5 and 18.
- <sup>44</sup> See [https://normlex.ilo.org/dyn/normlex/en/f/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4116093,103308:NO](https://normlex.ilo.org/dyn/normlex/en/f/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4116093,103308:NO).
- <sup>45</sup> Ibid.
- <sup>46</sup> Ibid.
- <sup>47</sup> Ibid.
- <sup>48</sup> See [https://normlex.ilo.org/dyn/normlex/en/f/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4122355,103308:NO](https://normlex.ilo.org/dyn/normlex/en/f/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4122355,103308:NO).
- <sup>49</sup> Pledge submitted by Brunei Darussalam to the secretariat of the Human Rights 75 initiative, December 2023, p. 2.
- <sup>50</sup> Ibid., p. 1.
- <sup>51</sup> UNHCR submission, p. 2. For the relevant recommendation, see [A/HRC/42/11](#), para. 121.25.
- <sup>52</sup> UNHCR submission, p. 5.
- <sup>53</sup> Ibid., pp. 5 and 6.
- <sup>54</sup> For the relevant recommendations, see [A/HRC/42/11](#), paras. 121.28, 121.180, 121.181 and 121.220.
- <sup>55</sup> UNHCR submission, pp. 2 and 3.
- <sup>56</sup> Ibid., p. 3.