



**BROKEN  
CHALK**

Submission to the Universal Periodic Review of the United  
Nations Human Rights Council 4<sup>th</sup> Cycle – 47<sup>th</sup> Session

## **Right to Education**



**Country Review: Brunei Darussalam**

**Submitting Organization: BROKEN CHALK**

**March 2024  
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**Broken Chalk** is an NGO committed to addressing human rights violations in the **education sector**. A **multinational team** of dedicated human rights advocates collaborates extensively on researching violations in **every corner of the world**.

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## I. Introduction

1. As a stakeholder, Broken Chalk prepared this report to contribute to Brunei Darussalam's 4th Universal Periodic Review (UPR) cycle. With a primary emphasis on addressing human rights violations in education, the substance of this document and its subsequent recommendations are centred on the Right to Education.
2. The education system of Brunei Darussalam exhibits a dynamic interplay between government oversight and religious influence. Administered by the Ministry of Education and the Ministry of Religious Affairs, its educational landscape encompasses various tiers: compulsory, post-secondary, and higher education.
3. Compulsory education spans twelve years, including pre-school, primary and secondary education, with a parallel Islamic religious primary education lasting seven years, mandatory for Muslim pupils. Post-education alternatives include sixth form – an extension of secondary education enabling direct entry to higher studies – and technical and vocational education available in government and private institutions. Higher education opportunities reside within four government-run universities. [i]
4. The recent initiative to integrate religious education into the general curriculum represents a significant change, particularly in the early years of schooling. This involves incorporating religious subjects typically taught in religious schools into government, private, and international primary school curricula. One of the primary goals is to enhance students' overall well-being by reducing their academic workload and time spent in school. Streamlining the educational process and shortening school hours allow for more focused and quality learning experiences for teachers and students. [ii]
5. The Ministry of Education has assigned a budget of B\$797.8 million for the fiscal year 2023/24, a 36.7% increase from the previous year. This allocation includes staff salaries, 69% recurring expenses, and development projects. This increase reflects the government's commitment to addressing learning loss due to COVID-19. [iii]
6. Simultaneously, the ministry develops a more holistic education framework to improve non-academic skills like digital and financial literacy and enhance education access for students with disabilities. The Technical and Vocational Education and Training Scheme and updates to the Brunei National Occupational Skills Standard are also introduced. The goal is to strengthen curricula to meet international standards across various subjects. [iv]

7. Brunei Darussalam showcases a solid commitment to gender equality in education, reflected in various initiatives in the digital sector. The country emphasises equal access to technology and education for both men and women, supporting capacity-building programmes targeting various demographics and furthering women's involvement and proficiency in the digital, engineering, and ICT fields. [v]
8. While making significant strides, Brunei's education system faces challenges that need addressing. These include the practice of corporal punishment in schools, the legal minimum age for marriage, which impacts educational continuity, and the need for more inclusive education for students with special needs. Furthermore, the country grapples with ensuring equitable access to education for refugee children. Human rights education faces restrictions, and there is a degree of state censorship on educational curricula. These issues highlight the need for ongoing reforms to ensure the educational system is more inclusive, progressive, and rights-oriented.

## II. Brief overview of the last UN-UPR cycle

9. In the latest UN-UPR cycle, Brunei Darussalam displayed a significant commitment to developing rights. The nation accepted 11% more recommendations compared to the previous cycle. Among these were seven specific recommendations concerning the right to education, all of which Brunei supported. [vi] This support reflects the country's dedication to its broader objectives under Wawasan 2035, which emphasises the development of an educated, highly skilled, and accomplished citizenry. [vii]
10. There was a strong focus on improving access to education for children with disabilities. Brunei's commitment to inclusive education is evident in its adoption of policies and guidelines and the allocation of resources. [viii] Supplementarily, the Ministry of Education has developed Special Education Policy Guidelines, which emphasise the importance of creating an appropriate learning environment for all students regardless of their (dis)abilities. The framework involves adapting and modifying curricula and ensuring physical accessibility. Simultaneously, individualised education plans are designed for students with special needs, focusing on their unique developmental and learning requirements. [ix]
11. Brunei also supported the elimination of structural barriers to women's and girls' enrolment in non-traditional fields. [x] In its effort, the country released its first-ever National Plan of Action on Women in 2023. This plan stresses the need for increased female participation in

STEM, addressing the gender disparity in education and employment. [xi]

12. Brunei endorsed recommendations to fortify partnerships with regional and international bodies for enhancing quality and inclusive education. This aligns well with its commitment to addressing the educational needs of children from diverse backgrounds, including those affected by abuse or familial challenges. [xii] The collaboration with the Commission of the Association of Southeast Asian Nations (ASEAN) on the Promotion and Protection of the Rights of Women and Children and the technical assistance from UNICEF exemplify its dedication to incorporating global expertise in education. [xiii]
13. Nonetheless, as Brunei endeavours to modernise its educational system, it becomes crucial to address and rigorously access several lingering challenges that hinder progress. Among these, corporal punishment within schools emerges as a significant concern. [xiv] The momentum is building towards adopting more constructive and non-violent disciplinary approaches that respect students' physical integrity and dignity, underscoring a move towards progressive educational practices. This evolution reflects a broader recognition of fostering an environment that nurtures positive behaviours through understanding rather than fear.
14. the debate over the appropriate legal minimum age for marriage has garnered attention, with advocates pushing for reforms to align Brunei's laws with global norms to safeguard young individuals' rights and futures. Such a re-evaluation is critical in ensuring that adolescents, especially girls, can complete their education and mature before making life-altering commitments.
15. Lastly, the conversation around educational reform extends to the critical analysis of curriculum content and the degree of academic freedom afforded to educators and learners alike. The goal is to cultivate a more inclusive, diverse, and flexible educational system that encourages critical thinking, creativity, and the ability to adapt to the complexities of the modern world. This includes revisiting and expanding the curriculum to include a broader range of subjects and pedagogical strategies, thereby empowering students to explore their interests and talents fully.

### III. Regulatory and Societal Constraints in Education

16. both regulatory and societal factors, including the issues of corporal punishment in schools and the minimum age for child marriage, still constrain Brunei. These elements severely

affect children's educational progress, welfare, and gender equality.

17. While Broken Chalk acknowledges that corporal punishment in educational settings in Brunei has been minimal, the legal framework regarding this issue still presents a complex picture. Under the Education (School Discipline) Regulations 2004, part of the Education Act 2003, corporal punishment is legally permissible in certain conditions.
18. This act of physical discipline is prohibited for female pupils but is allowed for their male counterparts. Moreover, corporal punishment is not explicitly prohibited in alternative care settings, such as preschools, family centres, and after-school childcare facilities. This lack of explicit prevention suggests that the issue might extend beyond the formal school environment, potentially affecting children in broader contexts. [xv]
19. The differentiation in the treatment of male and female students concerning corporal punishment in Brunei's educational settings prompts critical discussions about both gender equality and the overall efficacy of such disciplinary tactics. The disparity in treatments could be deeply entrenched in traditional beliefs and societal norms, underpinned by longstanding stereotypes that boys require more stringent measures to address misbehaviour.
20. Moreover, the variance in disciplinary approaches could also be influenced by a protective stance towards female students, aiming at their physical well-being and a broader societal focus on the safety and preservation against women's and girls' violence. Such a differential approach, however, inadvertently perpetuates traditional gender stereotypes, thereby reinforcing outdated notions about appropriate behaviour and capacities based on gender. [xvi]
21. The continued legality of corporal punishment raises another question about the effectiveness of physical discipline: How effective is corporal punishment in shaping student behaviour, and does it contribute positively to the learning environment? Research consistently suggests that corporal punishment may have detrimental effects on children's psychological and educational well-being. Many findings reinforce the idea that corporal punishment is linked with increased child aggression, antisocial behaviour, lower cognitive ability and academic achievement. [xvii]
22. Moreover, this type of physical discipline creates an environment of fear rather than one conducive to learning and personal development. Such an environment can hinder learning, as children may focus more on avoiding punishment than engaging with educational material. [xviii]

23. Another critical issue affecting education in Brunei is the practice of child marriage. The current legal framework in Brunei sets the minimum age for marriage at 18 years. However, both male and female spouses can marry as young as 14 years old, with parental consent. This legal provision and local socio-cultural factors open the door for child marriages to persist. [xix]
24. Child marriages often have deep-seated roots in societal norms and attitudes, including the perception that female children are somehow inferior to their male counterparts. Additionally, poverty can contribute to the prevalence of this practice, as families may see marriage for their daughters as a way to alleviate economic hardships. Such discriminatory beliefs perpetuate unequal treatment and opportunities for girls and women, including their access to education. [xx]
25. The implications of child marriage on education are profound. Most often, young girls who are married off at a tender age face significant disruptions to their educational journeys, robbing them of the chance to reach their full potential. [xxi]
26. The consequences extend beyond the individual, directly conflicting with the global goal of achieving gender equality and empowering women through education. Therefore, the minimum age for marriage in Brunei is not merely a legal matter; it is a societal constraint that reflects broader attitudes towards gender roles and the perceived value of education for girls and women.

#### **IV. Access to education for stateless individuals and refugees**

27. Access to education for stateless individuals and refugees in Brunei is an issue characterised by disparities and legal complexities. The lack of comprehensive data and transparency in this area makes it difficult to fully understand the scope and depth of the challenges faced by these individuals. However, anecdotes and limited reports highlight significant struggles and barriers.
28. Stateless individuals in Brunei, even those holding a Certificate of Identity, do not enjoy the full rights of permanent residents. This status can lead to various educational disparities. For instance, they may face restrictions in attending certain schools, especially those that prioritise or are exclusively for Bruneian citizens. This limitation can extend to various levels of education, from primary to higher education.



29. Moreover, opportunities for scholarships and financial aid, crucial for accessing higher education, typically place stateless students at a significant disadvantage. This lack of financial and administrative support can be a significant barrier to continuing education, particularly in fields that require more specialised and expensive training. [xxii]
30. Stringent citizenship politics and bureaucratic processes further exacerbate the situation of stateless persons in Brunei, especially those of ethnic Chinese descent. The experience of living as a stateless person or as a non-citizen in Brunei has intergenerational effects. Children born to stateless parents often inherit their parents' legal status, perpetuating a cycle of limited access to resources and social mobility.
31. Besides, this lack of recognition effectively relegates them to a form of second-class citizen, which affects their feelings of exclusion and marginalisation. The psychological impact of statelessness can affect educational attainment. [xxiii]

## V. Curriculum and Educational Freedom

32. In Brunei, the landscape of educational freedom is marked by a delicate balance between government authority and the principles of liberal education. While there are no explicit government restrictions on academic freedom, a form of indirect control is exercised through the requirement of government approval for various academic activities, such as public lectures, academic conferences, and visiting scholars. It leads to an environment where educators might self-censor, avoiding topics perceived as sensitive or potentially critical of government policies or societal norms. This subtle control mechanism reflects a significant level of state influence, shaping the nature of academic discourse and the breadth of topics explored in educational settings. [xxiv]
33. Integrating Melayu Islam Beraja (MIB) as a national philosophy in Brunei further complicates the educational landscape. The enforcement of MID, which emphasises Islamic values, creates an underlying tension with the principles of liberal education. This contrast is evident when comparing the focus on traditional values under the former and the latter ideals of open discourse, critical thinking, and explorative inquiry.
34. Furthermore, the defiance of norms and values prescribed by MIB can have profound implications for teachers and educational staff. These consequences are not trivial; they can range from the severe, such as the closure of educational institutions, to the personal, including the termination of employment. The risk of substantial repercussions creates an



atmosphere of fear and uncertainty. [xxv]

35. This constraint limits the scope of educational content, denying students exposure to various ideas and perspectives essential for a well-rounded education. It stifles the development of critical thinking skills among students, as they are not encouraged to question, debate, or explore topics beyond a specific boundary. It may deter prospective educators from entering the field or promote a culture of conformity and reluctance to innovate in teaching methodologies and curriculum development. [xxvi]
36. Along the same line, integrating human rights education into the school curriculum at all levels in Brunei is crucial, especially in a context where religious and cultural norms are strictly regulated. [xxvii] This incorporation is not just about adding a subject to the curriculum; it is about instilling a mindset that values diversity, encourages critical thinking, and promotes mutual respect and understanding.
37. Moreover, school human rights education can be a foundational step towards cultivating a sense of global citizenship and empathy. It prepares students to navigate an increasingly interconnected and diverse world.

## VI. Recommendations

38. Broken Chalk recommends the following measures to address Brunei Darussalam's educational challenges and promote the right to education for all.
39. Broken Chalk urges the educational authorities in Brunei to recognise the long-term negative consequences of corporal punishment on children's cognitive and emotional development. These impacts extend beyond immediate physical harm and significantly hinder the creation of a healthy learning environment.
40. Broken Chalk recommends that Brunei undertake necessary legal reforms to prohibit corporal punishment in all settings for all children, regardless of gender. This step is essential to aligning the country's educational practices with modern child welfare standards and ensuring equitable treatment of all students.
41. Broken Chalk encourages developing and implementing alternative disciplinary methods that are nurturing and supportive, fostering a positive educational environment. These methods should focus on constructive ways to correct misbehaviour, emphasising understanding and guiding children rather than instilling fear.

42. Broken Chalk calls for improved data collection and transparency regarding the general and educational status of stateless individuals and refugees in Brunei. Accurate data is essential for understanding the issue's scope and developing effective policies and interventions.
43. Broken Chalk urges the government of Brunei to revise its citizenship laws to provide a more equitable and accessible pathway to citizenship for stateless individuals, especially those born and raised in the country. This reform should streamline the citizenship process and reduce the bureaucratic barriers that hinder many from obtaining full citizenship.
44. Broken Chalk advocates establishing financial support mechanisms and scholarship programmes designed explicitly for stateless and refugee students. These initiatives help alleviate the financial burden and provide these individuals with better opportunities for educational advancement.
45. Broken Chalk recommends developing and implementing policies guaranteeing equal access to education for all children residing in Brunei, regardless of their citizenship status. This should encompass compulsory education, language support programmes, cultural integration, and other targeted support services to ensure students with special needs can meaningfully participate in the educational system.
46. Broken Chalk calls for a comprehensive review of the legal framework concerning the minimum age for marriage. This should include removing exceptions that allow marriage below 18.
47. Broken Chalk emphasises the necessity of providing support systems to identify and intervene in cases of potential child marriages. Additionally, inclusive support should be offered to child brides to ensure they have the opportunity to continue their education.
48. Broken Chalk advocates the incorporation of diverse perspectives and subjects into the curriculum. This should entail a broader range of cultural, religious, and philosophical viewpoints to foster a more comprehensive understanding among students. Such diversification would enhance academic freedom and prepare students for a globalised world with transnational issues.
49. Broken Chalk recommends that educational authorities adopt policies that promote academic freedom and ease restrictions on topics that can be taught and discussed in educational settings. Educators should be encouraged to explore various ideas without fear of repercussions. This accompanies enhanced teacher training programmes focusing on pedagogical approaches facilitating critical thinking and student-centred learning. Teachers

should be equipped to handle sensitive topics respectfully and informally instead of steering away from them.

50. Broken Chalk supports integrating human rights education and training at all levels. The programme should emphasise the values of tolerance, respect for diversity, and understanding of different cultural and religious backgrounds.

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