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**DRAFT REPORT OF THE WORKING GROUP ON
THE UNIVERSAL PERIODIC REVIEW***

Brunei Darussalam

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its sixth session from 30 November to 11 December 2009. The review of Brunei Darussalam was held at the 13th meeting on 8 December 2009. The delegation of Brunei was headed by H.E. Mr. Pehin Dato Lim Jock Seng, Minister of Foreign Affairs and Trade II. At its 17th meeting held on 11 December 2009, the Working Group adopted the present report on Brunei.
2. On 7 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Brunei: France, Indonesia and Zambia.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Brunei:
 - (a) A national report submitted / written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/6/BRN/1);
 - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/6/BRN/2);
 - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/6/BRN/3).
4. A list of questions prepared in advance by Argentina, Czech Republic, Germany, Latvia, The Netherlands, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Brunei through the troika. These questions are available on the extranet of the UPR.

I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

A. Presentation by the State under review

5. The delegation of Brunei Darussalam welcomed the UPR process as an opportunity to share its experiences and perspectives in promoting and protecting human rights, as well as to give an account of what is being done and challenges that it faces.
6. Its national report had laid out the institutional and legal provisions, focusing on the Constitution, domestic legislation and policies pertaining to the promotion and protection of human rights, highlighting the rights of children, women, persons with disabilities and the elderly. It also set out policies in promoting education for all, access to health services, adequate housing, treatment and rehabilitation of offenders, economic opportunities and religious tolerance. Brunei cited its membership of a number of regional and international organizations.
7. The delegation noted that, to put current efforts into perspective, it was important to understand the historical and cultural aspects of the country. Brunei is an old Malay Kingdom. One of its first recorded histories from the European sources was in 1521, when Antonio Pigafetta came to Brunei as part of Ferdinand Magellan's voyage to the Spice Islands. However, Brunei can trace its history further back to more than a thousand years ago, when its first external relation was established, with

China. The current system of monarchy dates back to the 15th century, which was also when Islam was established as the official religion of the country.

8. In 1888, Brunei Darussalam became a British protectorate, gaining its full independence on 1 January 1984. After the Second World War, rehabilitation took place with the help of the British and the Australians. In 1959, a written Constitution was promulgated which provided the process of election, but in 1962, an armed rebellion took place and that dark episode of its history showed that the introduction of new institutions required time. His Majesty the Sultan, who acceded to the throne in 1967, established a Committee in 2003 to look at the 1959 Constitution and make necessary amendments with the passage of time.

9. In 2004, the Legislative Council was reconstituted with 19 members and in 2005, membership increased to 21, and in 2006 to 29 members. Such developments illustrated His Majesty's commitment for people to be more involved in the decision-making process, the delegation stated, adding the emphasis on good governance. His Majesty also practiced informal consultations by meeting people when he visits villages, prays in different mosques on Fridays and by opening his palace for three days during Eid. On these occasions, people often deliver their requests and complaints in an envelope and these are attended to immediately.

10. Brunei society revolves around its Malay culture and Islamic faith, the delegation stressed. The majority of the population is Malay and the dominant aspect in the Malay world is the institution of the family. The concept of a large extended family forms the foundation of the social fabric of society and forms the social safety net. Islam is the official religion and a way of life for the people of Brunei. This was enshrined in the 1959 Constitution and again reflected in the amendment in 2004. However, non-Muslims can practice their religions in peace and harmony, as also enshrined in the Constitution. The harmonious inter-religious and inter-ethnic relations in Brunei can be witnessed during Eid and during the Chinese New Year celebrations. The question of understanding and tolerance is very important. His Majesty's government therefore supports the idea of the Alliance of Civilisation, and participated in many inter-faith dialogues organised by both regional and international organisations.

11. The delegation stated that looking after the welfare of his people is a simple and fundamental policy of His Majesty's government, including provision of a peaceful environment, a first-class health system, a top class educational system, adequate housing, providing for people in need, addressing poverty, ensuring food security, and jobs for the people.

12. Education remains a top priority, taking up 12 per cent of the national budget. Providing universal access to education has always been a fundamental objective of Brunei's education policy and all levels of education in Government schools are free-of-charge. In 2007, the Compulsory Education Order was enforced to ensure all children from the age of six are in school for at least nine years, though parents in fact realise that the future of their children lies in educating them. Even after establishing many secondary schools, technical colleges and universities, the Government is continuing with its scholarship system, where students who make the grades are sent overseas to sixth form colleges and universities. This important policy of providing free education to all has led to Brunei having one of the highest literacy rates of 94.9 per cent in Asia. The percentage of women's participation in education has also increased, with 73 per cent of the total graduates in 2007 being female.

13. The provision of a comprehensive free healthcare system for the people is another priority, in urban and rural areas. The delegation cited the provision of flying medical services and the recent adequate supply, free-of-charge, of the H1N1 vaccine for the whole population. The target, it stated, was to attain “Health for All”. Emphasis is placed on the development of a healthcare system based on primary healthcare, aimed at providing a wide range of preventive, promotion, curative and rehabilitative healthcare and support services. The main policy objectives are reduction of infant mortality, diseases and disabilities, and premature deaths, thereby increasing life expectancy, improvement of the environment and control of communicable diseases.

14. On housing, the delegation cited various housing schemes since 1952, noting that in 1984, the Ministry of Development took over this task with the creation of the “Housing Development Department”. Under the National Housing Programme, the Government aims to provide citizens with house ownership and proper accommodation in a pleasant environment. Other agencies such as the Islamic Religious Council and the Sultan Haji Hassanal Bolkhiah Foundation also provide homes for the homeless.

15. The National Development Plan 2007-2012 has already targeted to deliver more than 12,000 houses to eligible applicants of the National Housing Scheme and Landless Indigenous Citizen Housing Scheme. A total of B\$1.2 billion has been allocated under the current plan for housing development. Brunei has also taken into account the challenge of optimising fully the scarce land resources available for housing, as the population is projected to reach half a million by 2025. Brunei’s citizens have benefitted tremendously through the housing scheme, which also provides the basic infrastructure or necessities to further improve the standard of living, such as healthcare centres, schools and other community buildings.

16. On climate change, the delegation noted that in 1934, legislation was enacted to stop logging for export. As a result, 58 per cent of the total lands, mainly tropical rainforest, have been reserved.

17. The delegation was pleased to state that, according to the 2007/2008 UN Human Development Report, Brunei scored 0.894 for its Human Development Index. It ranked 30th out of 177 nations. It also cited the Millennium Development Goals as providing additional impetus in its national efforts, noting that Brunei places high priority to meet the targets. It stated that Brunei would continue in its efforts to achieve national harmony, unity, stability and prosperity, based on ensuring equitable socio-economic development. Brunei sees this as important in its approach to respecting the human rights of the people.

18. The delegation noted that Brunei was also looking at the future challenges. The Government’s Long-Term National Development Plan, which looks forward to the year 2035, was produced by consulting closely with people at all levels of society. With the 30-year national vision, and its related projects and programmes, the Government is committed to providing maximum health care; high quality education from early childhood onwards; easy personal access to Government and its departments and agencies; the rule of law applying equally to everyone and respect for each individual, each family and each community, whatever their background, culture or faith. At the same time, the Government ensures continued economic development through employment and future prospects.

19. It noted Brunei’s accession to related treaties on the promotion and protection of human rights, subscription to the Charter of the United Nations and to relevant United Nations decisions. Recently,

Brunei established the ASEAN Human Rights Commission and is looking into various relevant treaties.

B. Interactive dialogue and responses by the State under review

20. During the interactive dialogue, statements were made by 54 delegations. A number of them thanked the Government of Brunei Darussalam for its comprehensive national report, its inclusive preparation and its presentation. Some delegations also welcomed Brunei's progress in socio-economic development, citing its high ranking in the United Nations Development Programme Human Development Index. Many states noted impressive achievements in health and education, such as the high rate of literacy and the reduction in infant and maternal mortality, and highlighted that Brunei had already accomplished almost all of its Millennium Development Goals ahead of schedule.

Recommendations made during the interactive dialogue are listed in Chapter II of the present report.

21. The Lao People's Democratic Republic welcomed Brunei's achievements in strengthening human rights and enhancing democracy. As a fellow member of ASEAN, it supported Brunei's position on universal human rights, opposing selectivity and a double standard approach. It highlighted the full participation of Brunei's population in the public security and public affairs of the country. It also made recommendations.

22. Cambodia expressed appreciation for the significant progress in human rights in Brunei, particularly in economic and social spheres. It cited the high standard of living in Brunei, complimenting the Government's efforts to eradicate extreme poverty and improve the lives of its people. Cambodia noted Brunei's ambition to be among the top 10 countries worldwide, with a dynamic economy, sustainable per capita income, educated and well-skilled people. Cambodia encouraged it to continue the current National Development Plan (2007-2012) and the Vision 2035. It also made a recommendation.

23. Viet Nam commended Brunei's efforts in promoting and strengthening democracy, human rights and fundamental freedoms, particularly through laws and mechanisms to protect children's rights, and in protection and promotion of women's rights, ensuring gender equality in education, employment, economic activities, healthcare and in ensuring women hold high positions in Government. Viet Nam also made recommendations.

24. Myanmar noted the practical measures to strengthen human rights without racial and religious discrimination, commending Brunei's vibrant and prosperous multi-ethnic society. As a fellow ASEAN member, Myanmar encouraged Brunei to continue its efforts to safeguard cultural and religious values. It called for Brunei's continued cooperation with the international community to share best practices to ensure promotion and protection of economic, social and cultural rights, including the right to development.

25. Algeria congratulated the Government for its implementation of, inter alia, the right to adequate housing. It commended the policy to promote women's role in the society, through full enjoyment of the right to education and increased participation in employment. It cited International Labour Organisation figures indicating that Brunei is one of the main host countries in ASEAN for foreign workers, who represent 30 per cent of the labour force. Algeria also made recommendations.

26. The Philippines commended Government measures in, inter alia, promoting the rights of the elderly and disabled persons, and the integration of human rights education in primary and secondary schools. The Philippines enquired about plans to consider the establishment of a national human rights institution, and made a recommendation.
27. Thailand welcomed the establishment of a Ministerial-level National Council on Social Issues to identify issues, revise and promulgate legislation and ensure their effective implementation, hoping it would help ensure translation of international obligations into domestic law. It commended also the attention given to children, women, persons with disabilities and the elderly. Thailand underlined its readiness to continue cooperating with Brunei to strengthen human rights within ASEAN. Thailand made recommendations.
28. Malaysia commended Brunei's systematic and balanced approach in implementing civil political rights, as well as economic, social and cultural rights. Malaysia was also encouraged to note continued efforts to improve the well-being of Brunei's people. It noted that the focus on investing substantially in public service, education, public health care, welfare and employment would further improve the human rights situation. Malaysia made recommendations.
29. Singapore commended Brunei's impressive efforts to safeguard the welfare and future of its people, while also preserving its cultural traditions and social values. It noted the education policy, the 2007 Compulsory Education Order and the launch of the 21st Century Educational System. Commending Brunei's efforts to eradicate poverty through policies aimed at raising the standard of living for all, Singapore especially applauded the Government's distribution of B\$90 million in Muslim charity funds in 2009 to more than 4,000 poor households. It also cited the 2009 pension scheme, which would give pensioners an additional monthly annuity for at least 20 years after retirement.
30. The Netherlands noted that Brunei had not acceded to most of the core international human rights instruments and had made broad reservations to the CEDAW and CRC. The Netherlands also expressed that the Penal Code does not criminalise marital rape if the wife is not under 13 years of age, and the rape of men and boys. It further expressed concern at the existence of criminal sanctions against "carnal intercourse against the order of nature" and that such provisions may be applied to criminalise sexual activity between consenting adults. The Netherlands made recommendations.
31. Qatar noted considerable achievements in human rights, which are guaranteed by the Constitution and national laws. Such achievements, including in the areas of education, security, institution building and the environment, as well as economic and social rights generally, were made within the framework of Brunei's long term development plans and in accordance with United Nations standards, with the aim of fulfilling the Millennium Development Goals.
32. Belarus noted Brunei's achievements in the area of economic and social rights, with specific attention to the special needs of children, including orphans and disabled children. In relation to children's rights, Belarus highlighted recent measures, including the creation of juvenile courts. Belarus made a recommendation.
33. Indonesia observed notable socio-economic development of Brunei since its independence, accompanied by political and social stability, which enhanced the living standards and enjoyment of

the human rights of its citizens. Indonesia noted with appreciation Brunei's support for the establishment of the ASEAN Intergovernmental Human Rights Commission and encouraged the establishment of a national human rights institution in Brunei. Indonesia asked if Brunei had plans to accede to further core human rights treaties in the foreseeable future. Indonesia made a recommendation.

34. Turkey asked whether a timetable had been set to sign and ratify treaties such as the International Convention on the Elimination of Racial Discrimination (ICERD), the Convention on the Rights of Persons with Disabilities (CPRD) and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OP-CRC-AC). It welcomed the adoption of various legislative measures with respect to children's rights, but noted that the age of criminal responsibility was set at seven years. It encouraged raising this age to an internationally acceptable level and establishing a juvenile system in line with recommendations of the Committee on the Rights of the Child. Given that the last execution in Brunei took place in 1957, it encouraged Brunei to consider recommendations made for abolition of the death penalty. Turkey made a recommendation.

35. Oman commended Brunei's efforts to meet the needs of its people and protect and strengthen their rights, including their rights of access to health care and education as well as economic and other opportunities. Oman also paid tribute to Brunei's work to promote the rights of women, children and the elderly, and made a recommendation.

36. Brazil commended, inter alia, Brunei's eradication of extreme poverty. It expressed concern about information regarding corporal punishment of children, and in relation to migrants in irregular situations, as well as about alleged incidents of arbitrary deprivation of liberty under the Internal Security Act. It asked about further measures to combat ethnic, religious and gender discrimination and guarantee fundamental freedoms such as freedom of expression, association, religion and belief. Brazil made a number of recommendations.

37. The United Arab Emirates commended Brunei for its progress in the area of human rights and fundamental freedoms, as well as efforts to ensure the achievements of Millennium Development Goals and raise the living standard of its people. A recommendation was made.

38. Mexico recognized efforts to promote and respect human rights, and stressed important legal and institutional progress made in the areas of literacy, health and combating corruption. Mexico congratulated Brunei for its recent efforts and commitment to ratifying the ICERD and CPRD. Mexico asked about measures to ensure gender equality in the law, including with regards to family legislation. Mexico made recommendations.

39. Germany expressed concerns related to the minimum age of criminal responsibility and the lack of a juvenile justice system. It asked how Brunei would ensure full compatibility with its obligations under articles 37, 39 and 40 of the CRC in this regard. Germany made a number of recommendations.

40. Australia commended Brunei on the high standard of living provided to its citizens. It noted the establishment in 2008 of the National Council on Social Issues and encouraged Brunei to share examples of this Council's promotion of human rights. Australia asked for clarification on Brunei's efforts to ensure freedom of religion. It welcomed Brunei's consideration towards becoming party to several major human rights treaties, including the ICERD. Australia made recommendations.

41. Pakistan noted Brunei's commitment to human rights as reflected in its constitutional provisions, policies and efforts. It expressed appreciation for Brunei's eradication of extreme poverty. Pakistan congratulated Brunei for introducing a long-term development framework under "Brunei Vision 2035" based on eight strategies. Pakistan also made recommendations.
42. Canada encouraged Brunei's continued cooperation with the Human Rights Council. It appreciated Brunei's participation in launching the ASEAN Intergovernmental Commission on Human Rights and hoped for its active engagement. Canada made recommendations.
43. Egypt acknowledged Brunei's focus on gender equality and women's empowerment for the advancement of women, including through improving literacy rates for girls and increasing the participation of women in the labour force. It sought further information on progress achieved and lessons learned. Egypt made recommendations.
44. Slovenia welcomed Brunei's work regarding the right to adequate housing and future plans in this regard. It noted with concern however that Brunei was neither a party to most core international human rights treaties nor to core ILO conventions. Slovenia also noted that existing legislation did not criminalize marital rape, including against children, and expressed concern over restrictions on freedom of expression and media, especially through the Sedition Act and Newspaper Act. Slovenia made recommendations on the above issues.
45. Bahrain appreciated Brunei's efforts in promoting and protecting human rights and fundamental freedoms and its achievements in adopting legislation for the protection of women's rights and in relation to trafficking in persons. Bahrain also commended the creation of the Council of Women, a non-governmental organization comprising 14 associations and working on the advancement of women. Bahrain made a recommendation.
46. Spain congratulated the Government for signing the CRPD and welcomed the possibility of its prompt ratification. Spain also encouraged Brunei to sign and ratify the ICERD and the OP-CRC-AC. Spain made a number of recommendations.
47. Chile asked Brunei about measures being considered to adjust the minimum age of criminal liability to international human rights standards. Chile made recommendations relating to ratifications, Council special procedures, corporal punishment and the death penalty.
48. Sweden expressed concern about Brunei's restrictions on freedom of speech and of the press, including that it is an offence to criticise the Government, the Sultan and his family, and reports of self-censorship. It also noted the criminalisation of same-sex consensual sexual activity, noting that there were no known reports of the law being used in the preceding years. Appreciating explanations on the cultural and social background of Brunei and the information on combating domestic violence, Sweden remained concerned about women's and children's rights, the freedom of religion, arbitrary detentions and the death penalty. Sweden made recommendations.
49. Italy welcomed the de facto moratorium on death penalty in Brunei since 1957. It expressed concerns on the broad use of corporal punishment in Brunei, discriminatory practices against non-

Muslims, and on State control over media, including electronic media and the Internet. Italy made a number of recommendations.

50. France made three recommendations relating to the abolition of the death penalty, reinforcement of protection for women and children through modification of the law on marital rape, and on respect for the rights of migrant workers.

51. Norway asked how Brunei had included representatives of civil society in the UPR reporting process and how it intended to include these actors in the follow-up process. It recognised the increase of women in Brunei's labour force, including in the civil service, and asked about measures to secure a larger share of women in senior management positions in the civil service. It also noted that all newspapers need an annual publishing permit from the Minister of Human Affairs and that all NGOs need to obtain a license from the government and made recommendations on these aspects, among others.

52. The Islamic Republic of Iran appreciated Brunei's efforts and strong commitments to promote and protect human rights and to address challenges. It commended Brunei's eradication of extreme poverty. It sought further information on the Compulsory Education Order and its achievements. Commending Brunei's emphasis on family values, it also highly appreciated the application of Shari'ah law in the legal system. Iran made recommendations.

53. The United States of America commended Brunei's enforcement of labour statutes protecting workers from abusive employers, but was concerned that enforcement was not as robust in cases involving unskilled foreign workers. It remained concerned at restrictions on religious freedom, including the ban on religious groups such as the Baha'I, bans on proselytizing by religious groups other than the Shafi'i school of Islam, and bans on the importation of religious materials such as the Bible, the establishment of new places of worship, and the teaching of other religious traditions. It made a number of recommendations.

54. The Republic of Korea noted with appreciation the establishment of the National Council on Social Issues to address such issues as poverty, women and family, persons with disabilities and the aged. It commended the remarkable advancement of women, particularly in the civil service, of which women constitute about 56 per cent. It appreciated Brunei's signing the CPRD and made recommendations in this regard. It also welcomed Brunei's voluntary pledge to continue to work closely with NGOs and encouraged such engagement.

55. Venezuela highlighted the excellent and comprehensive healthcare system put in place by the Government through its national healthcare plan 2000-2010, which offers basic free health care services for the entire population. Venezuela made a recommendation.

56. China appreciated Brunei's commitment to poverty elimination and improving people's living standards. It noted in particular that Brunei had set up the National Council on Social Issues and adopted many legal measures to protect the right of women, children, people with disabilities, the elderly and other vulnerable people. China acknowledged that Brunei valued education and that 17 per cent of its GDP was accounted for in education. It noted with interest the Brunei vision for the year 2035 and asked for further elaboration on targets set in the vision for promotion and protection of human rights.

57. Japan asked, in relation to the human rights of foreign workers, about the contents and implementation of the Employment Order 2009 and the Employment (Domestic Workers) Regulation 2009. It also asked what improvements had been made to the situation in response to the recommendation made by the Committee on the Rights of the Child in 2003 to abolish corporal punishment. Japan made a recommendation.

58. Latvia noted, citing the Committee on the Rights of the Child, good education indicators, the broad scope of education and high enrolment rates. Latvia touched upon the issue of standing invitations to special procedures and made a recommendation in this regard.

59. The United Kingdom of Great Britain and Northern Ireland acknowledged Brunei's success in achieving peace and stability, economic prosperity and positive social indicators, and forging of a close-knit society with a strong national identity, traditions and culture. It welcomed Brunei's engagement with the Commonwealth Parliamentary Association and its role in forming the ASEAN Intergovernmental Commission on Human Rights. Recognising Brunei's reputation for tolerance and openness, it expressed concern about restrictions on religious freedoms, treatment of ethnic minority in fields such as education, health and housing, and use of religion to justify reservations to international human rights treaties. Welcoming laws protecting vulnerable groups, it noted that some ethnic minorities are excluded from receiving such subsidies and support. It did not see the rationale for Brunei's continuation of its emergency laws since 1962. The United Kingdom made recommendations.

60. Nigeria welcomed Brunei's efforts in incorporating all ratified international instruments into the country's domestic legislation, especially those concerning the rights of children, pensioners or persons with disability. It also commended great success Brunei made, inter alia, in the provision of quality housing for its citizens. Nigeria made one recommendation.

61. Uzbekistan noted Brunei's efforts to ensure human rights and fundamental freedoms, including through active international and regional cooperation. It highlighted the positive results with regard to the rights of women, children and the elderly, advances in the health sector as well as Brunei's commitment to continue its cooperation with non-governmental organizations for further economic and social development.

62. Slovakia expressed appreciation for the non-application of the death penalty since 1967. It raised concerns about the 1958 Newspaper Act, the related Local Newspapers Order of 2001, restricting the printed media. It also cited the Internal Security Act, which allows for detention without trial for up to two years, without access to legal counselling. Slovakia also made recommendations.

63. Azerbaijan congratulated Brunei for, inter alia, eradicating extreme poverty, raising living standards and increasing life expectancy. Azerbaijan noted a high level of ethnic and religious tolerance in Brunei, and enquired about practical measures to protect migrants' rights and combat human trafficking. Azerbaijan made recommendations.

64. New Zealand noted evidence of Brunei's impressive achievements in, inter alia, reducing poverty and enhancing economic prosperity. It hoped that Brunei would soon sign and ratify the ICESCR. It suggested that visits by the Special Rapporteurs on freedom of religion or belief, on

freedom of expression, on torture, and on violence against women would be valuable to the dialogue between Brunei and the international human rights community. New Zealand made recommendations.

65. Bangladesh noted significant progress in, inter alia, housing, human development and living standards due to a pragmatic policy framework adopted by the Government, with positive implications for the enjoyment of human rights. Bangladesh also made recommendations.

66. Morocco applauded the implementation, in April 2008, of the National Council on Social Issues, asking how the Council and its special committees would work. Morocco welcomed the importance given to the issue of development, particularly Brunei's vision for 2035 that will enable consolidation of the country's development and enjoyment of human rights. Morocco sought further information about Brunei's effort in the area of education, and human rights education, particularly within the school curriculum.

67. Senegal highlighted achievements, perspectives and difficulties in the protection and promotion of human rights. It welcomed the Government's commitment to continue and strengthen its interaction with the civil society, and the appeal to receive greater technical assistance from the international community, including from relevant United Nations human rights mechanisms. Senegal encouraged the Government to accede to and ratify further core international instruments. Senegal also noted the ongoing achievements of the "Ambitions of Brunei 2035" project and encouraged Brunei in present efforts to promote and protect human rights, calling upon the international community to support it.

68. Saudi Arabia noted the recent adoption of legislation to promote and protect human rights, including the rights of women and children. It commended the importance placed by Brunei on protection of family values. With due regard to the progress achieved in human rights and in realising the Millennium Development Goals, it made recommendations for the continuation of Brunei's efforts.

69. Cuba applauded particularly the free access to health care for all citizens and permanent residents. It highlighted efforts undertaken by the country to prevent HIV/AIDS and to provide care for those who are affected by this pandemic, especially women and young people. Cuba also made recommendations.

70. Portugal welcomed Brunei's identification of challenges, progress, constraints and priorities in the protection and promotion of human rights. It noted, however, that Brunei had not acceded to some of the main human rights instruments. It asked whether Brunei intended to amend legal provisions, including the Penal Code, to replace the death penalty with other penalties, noting that executions no longer occur in the country. It also asked whether the minimum age of criminal responsibility remained seven years. Portugal made recommendations.

71. Jordan commended Brunei for its efforts to promote human rights, including through the adoption of pertinent legislation and by empowering local communities. Jordan expressed appreciation for efforts to strengthen the institutional framework, including establishment of bodies focused specifically on children, and hoped that Brunei would continue to appropriately support these bodies. Jordan also made recommendations.

72. Bhutan noted impressive progress in all domains of human development, and the importance of education and health care for the overall enjoyment of human rights. It made recommendations in this regard.

73. Argentina noted the increased access for women in the labour force. It also noted that Brunei is an abolitionist state, although the death penalty is still present in its legislation. Argentina made a number of recommendations.

74. The Syrian Arab Republic commended Brunei for its approach of promoting and protecting human rights through safeguarding the welfare of all, especially the vulnerable. It also appreciated the importance placed by Brunei on religious freedom and tolerance as well as its role in the Alliance of Civilizations. The Syrian Arab Republic expressed appreciation for Brunei's efforts in achieving development, and made a recommendation.

75. In response to questions and comments during the interactive dialogue, the delegation of Brunei thanked all the speakers for their questions and recommendations. In relation to comments regarding the Millennium Development Goals, the delegation noted that Brunei was close to achieving them before 2015.

76. With regard to the elaboration of its national report and the role of civil society, Brunei highlighted that there has been an extensive process and expressed appreciation for the role of non-governmental organizations, which had been fully involved in the preparation of the national report and whose interest in the process was also reflected by their presence in the room.

77. With regard to questions on the ratification of human rights instruments, Brunei noted that this concerned five treaties as mentioned in its national report, and that Brunei was looking at all others.

78. On the question of a national human rights institution, Brunei explained that it had an inter-agency consultative mechanism on human rights, in which non-governmental organisations and civil society were also represented. Regionally, Brunei worked with other ASEAN countries in setting up the ASEAN Intergovernmental Commission on Human Rights as well the ASEAN Commission on the Promotion and Protection on the Rights of Women and Children, which is to be established by April 2010. This set the stage for further understanding of the role and functions of a human rights institution. It was also an opportunity for Brunei to share its best practices as well as learn from others on ways to promote and protect human rights.

79. On children's rights, Brunei stated that the Government had made great efforts to ensure that the welfare of all citizens was well taken care of. This was apparent in both the Syariah law and Civil law which ensured the rights of children were protected without discrimination.

80. In relation to questions on corporal punishment and sexual violence, Brunei explained that its society was underpinned by the family system, but that there were also specific laws that sought to address all forms of physical and psychological violence and sexual abuse against children. These laws were generally in conformity with the principles and articles of the Convention of the Rights of the Child (CRC). Furthermore, regular and systematic awareness programmes were undertaken by the Department of Community Development to publicize and sensitise society on the rights of the child, for instance, by having weekly road shows in schools and weekly media programmes. On corporal punishment in schools, the delegation indicated that it had been prohibited since 1984.

81. With regard to women's rights, it was noted that protective legislation existed both in Civil and Syariah laws, such as the Married Women Act and the Islamic Family Law Order 1999.

82. In relation to recommendations concerning standing invitations for special procedures, Brunei noted that, should there be any such request, Brunei would definitely welcome this.

83. On migrant workers issues, Brunei welcomed workers of other nationalities provided they fulfilled established labour and immigration requirements to ensure their rights and welfare were protected. The Employment Order 2009, which was passed in September and its Employment (Domestic Workers) Regulations 2009, provided comprehensive measures to further stabilise security, welfare, safety and the protection of workers' rights by taking into account the standards of the International Labour Organizations. This Order incorporated aspects such as legal action in the event of non-payment of salary, worker health, accommodation and medical care standards as well as responsibility for repatriation expenses. It covered all employees with no differentiation between local and foreign employees. In 2008, there were approximately, 87,000 foreign workers working in Brunei, constituting about a third of the population.

84. With regard to sexual-related matters, Brunei re-iterated that the core value of Brunei society was the family institution as the basic unit of society. Family values were an important factor in development as well as in securing a safe and loving environment. Tradition and cultural factors also played an important role.

85. On freedom of the press and expression, the delegation stated that the existing law was to ensure the maintenance of peace and harmony in the country and to avoid raising discontent or disaffection among the population. Brunei valued the long existence of peace, stability and security of the country. The Newspaper Act did not prohibit the freedom of expression, and appropriate channels existed for people to express their opinions or views.

86. On the subject of religious tolerance, it was explained that the official religion in Brunei, since the 15th century, was the Islamic religion. However, in accordance with the Constitution, other religious faiths could be practiced in peace and harmony, and there were no inter-ethnic or inter-religious problems in Brunei.

87. With regard to questions on capital punishment, Brunei acknowledged that this still existed in Brunei, but was not exercised. However, such punishment was reserved for the most severe and serious crimes in ensuring the safety and security of the people were well preserved.

88. Brunei once more thanked the President, the Bureau and the Secretariat for their support, comments and recommendations, and non-governmental organizations for their presence during the review process.

II. CONCLUSIONS AND/OR RECOMMENDATIONS

89. The following recommendations enjoy the support of Brunei Darussalam:

1. Consider acceding to the remaining major international human rights law instruments (Egypt); consider acceding to the core international human rights instruments (Azerbaijan); consider accession to core international human rights instruments, as appropriate (Jordan); accede to the core international human rights instruments in a timely manner (Japan);

- continue with its efforts leading to the signing and ratifying of the main human rights treaties (Argentina); consider acceding to other international human rights instruments to which it is not yet party (Algeria); ratify the core international human rights conventions and conventions of the International Labour Organization (ILO) (Slovenia); consider acceding to core human rights treaties to which it is not yet a party (Bangladesh);
2. Consider becoming a party to the Convention on the Rights of Persons with Disabilities (CRPD) (Thailand); become a party to CRPD as soon as it completes the work necessary for ratifying the Convention, which is currently being undertaken by the National Committee led by the Department of Community Development (Republic of Korea);
 3. Continue to harmonize its legislation with the international human rights norms (Indonesia); continue on its path of aligning its national legislation with its international obligations according to the instruments to which it has acceded (United Arab Emirates);
 4. Undertake, as recommended by the Committee on the Rights of the Child, a comprehensive review of existing legislation from a rights-based perspective, to ensure its conformity with the principles and provisions of CRC (Turkey);
 5. Carry on relentlessly with more effective measures in further bolstering the implementation of sharia law in the country (Islamic Republic of Iran);
 6. Continue efforts aimed at strengthening the roles, functions and capacities of national institutions and mechanisms responsible for the promotion and protection of human rights and fundamental freedoms, including the sharia legal system (Malaysia);
 7. Consider potential areas of expansion for the National Council on Social Issues to enable it to further promote respect for fundamental rights and freedoms for all Brunei Darussalam's citizens (Australia);
 8. Continue its efforts to further strengthen its human rights infrastructure (Pakistan); continue its efforts to develop its legal and institutional framework with respect to the promotion and protection of human rights (Jordan);
 9. Further enhance human rights education (Jordan); continue to promote human rights education and training for both Government officials and the general public in order to ensure the further nurturing of a human rights culture within the country (Thailand);
 10. Adopt further measures and programmes and continue efforts in strengthening human rights in accordance with the values and customs in Brunei (Oman); take more concrete measures with a view to fostering a genuine human rights culture with due regard to national and regional particularities as well as historical, cultural and religious backgrounds (Islamic Republic of Iran); continue efforts to promote and protect human rights while preserving the institution of the family in all its components and preserving religious tolerance (Syrian Arab Republic); continue to pursue social policies in keeping with family values and not be intimidated by suggestions on social norms that are controversial, non-universal and specific to certain societies (Bangladesh);

11. Continue to cooperate with the United Nations and other international organizations to strengthen human rights (Lao People's Democratic Republic); continue its cooperation with the international human rights mechanisms with the aim of strengthening and protecting human rights in Brunei Darussalam (Saudi Arabia);
12. Consider taking necessary steps to develop technical expertise to gain a better understanding of its obligations in ensuring effective implementation of human rights instruments (Pakistan); consider creating, with international technical assistance, the required national human and institutional expertise that would contribute to gaining a better understanding of its obligations and to the implementation of human rights-related treaties to which it is a party (Egypt);
13. Establish an effective and inclusive process to follow up on the recommendations emerging from the universal periodic review (Norway);
14. Continue ongoing efforts for the betterment of the rights of children and women and other vulnerable groups (Viet Nam); continue to strengthen the promotion and protection of the rights of vulnerable groups, such as women, children, persons with disabilities and the elderly (Thailand); continue its efforts in strengthening, promoting and protecting the rights of women (Bahrain);
15. Intensify efforts to eliminate all forms of discrimination against women, inter alia through advocating and promoting women's empowerment, capacity-building, gender sensitivity training and public awareness-raising activities (Malaysia);
16. Take concrete measures to increase the proportion of women in senior management positions in the civil service (Norway);
17. Continue efforts to combat ill-treatment of children and design policies and programmes to address these practices (Brazil);
18. Specifically prohibit corporal punishment at home and in schools and undertake appropriate campaigns to educate families on alternative forms of discipline (Germany);
19. Prohibit corporal punishment at home and in schools and sensitize families in this respect (Italy);
20. Establish an appropriate system of juvenile justice in conformity with international standards and its international commitments (Argentina);
21. Take further practical steps to enhance the administration of juvenile justice (Belarus);
22. Take measures to clarify which terms and conditions apply for the granting of publishing permits to newspapers (Norway);

23. Further promote the proper use of technologies, with particular attention to the Internet, based on human values, respect for self and others and children's rights (Islamic Republic of Iran);
 24. Maintain the momentum given to positive social policies relating to health care; allocate the necessary resources to ensure the institutional capacity required for its health-care system (Bolivarian Republic of Venezuela); continue and deepen efforts already under way to promote full enjoyment of the right to health for all (Cuba);
 25. Continue its efforts to promote human rights, in particular in the area of education and in providing health services (Saudi Arabia);
 26. Maintain and strengthen efforts geared to fulfilling the Millennium Development Goals (Cuba);
 27. Continue to carry out its excellent effort to ensure nine years' compulsory education for all children from the age of six (Bhutan);
 28. Continue to strengthen economic, political and social development with full participation of the population of all strata (Lao People's Democratic Republic);
 29. Share its experience with other developing countries with respect to its achievements, especially in welfare, education and health sectors (Cambodia); share its experience on achievements in areas such as education and health care (Viet Nam); consider sharing best practices from its health-care system through relevant United Nations agencies (Bhutan);
 30. Share with other Member States its experiences and best practices in achieving almost all targets of the Millennium Development Goals and eradicating extreme poverty (Islamic Republic of Iran);
 31. Share its positive experience and best practices with other countries regarding the high level of ethnic and religious tolerance in Brunei Darussalam (Azerbaijan);
 32. Persevere with implementation of its vision of Brunei Darussalam for 2035 and share its experience in this regards with the international community (Morocco);
 33. Continue its pro-people policies and share its experiences with countries in a comparable situation (Bangladesh).
90. The following recommendations did not enjoy the support of Brunei Darussalam:
1. Take early action to become a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) (New Zealand); become a party to other treaties, such as ICCPR and ICESCR, as soon as possible (Republic of Korea);

2. Sign and ratify ICCPR (Sweden);
3. Ratify ICCPR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)(France);
4. Ratify ICCPR, ICESCR and CAT (Netherlands);
5. Ratify core international human rights instruments, such as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ICESCR, ICCPR and CAT, within the context of Council resolution 9/12(Brazil); take the necessary steps for the ratification of ICESCR, ICCPR, ICERD and CAT (Germany);
6. Sign and ratify the main ILO conventions , and the main international human rights instruments, particularly ICCPR, ICESCR, CAT and the International Convention for the Protection of All Persons from Enforced Disappearance (CED) (Spain);
7. Consider signing or ratifying, as appropriate, the following international human rights instruments: the Optional Protocols to ICCPR, CAT, the Rome Statute of the International Criminal Court and the Convention on the Prevention and Punishment of the Crime of Genocide (Chile);
8. Consider an early ratification of the Optional Protocols to ICCPR and ICESCR, CAT and the Rome Statute (Slovakia);
9. Sign the Second Optional Protocol to ICCPR, Aiming at the Abolition of the Death Penalty (Portugal);
10. Adhere to principles of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) and consider favourably possibly ratifying it (Mexico);
11. Consider the possibility of ratifying CED (Argentina);
12. As the nominal state of emergency has unintended consequences for government accountability, review it and produce a timetable on how it might be ended (United Kingdom);
13. Establish a national human rights institution, in accordance with the Paris Principles, to provide additional protection for the human rights of its citizens (New Zealand);
14. Establish a moratorium on executions with a view to abolishing the death penalty (Brazil); establish a moratorium on the use of the death penalty, in accordance with General Assembly resolution 62/149, taking into account that the death penalty has not been applied since 1957 (Chile); consider the establishment of a legal moratorium on the death penalty with a view to its abolition (Italy); establish a moratorium on executions with a view to abolishing the death penalty (Portugal);
15. Abolish the death penalty definitively and commute all such sentences to periods of imprisonment; and put an end to caning and flogging (Spain); abolish permanently the

death penalty (France); amend the concerned legislation with a view to abolishing capital punishment in line with General Assembly resolutions 62/149 and 63/168 and convert the existing death sentences to imprisonment terms (Slovakia); abolish the death penalty completely and replace it in its legislation with other sanctions that do not include cruel, inhuman or degrading treatment (Argentina);

16. Revise its Penal Code so as to criminalize all acts of rape without exception and irrespective of the marital status and the gender of the victim (Netherlands); revise section 375 of the Penal Code so as to criminalize all acts of rape without exception and irrespective of the marital status and gender of the victim (Slovenia); review section 375 of the Penal Code in order to criminalize all acts of sexual violence, regardless of matrimonial status or the victim's gender (Spain); strengthen the protection of women and children by modifying section 375 of the Penal Code, which does not recognize marital rape even when the spouse is a minor (France);
17. Repeal or amend all provisions in domestic laws which provide for caning for administrative offences involving immigration law (Canada);
18. Specifically prohibit corporal punishment in institutions (Germany); prohibit corporal punishment in other public institutions and abolish whipping as a form of punishment (Italy); abolish the practice of corporal punishment (France); legally prohibit any form of corporal punishment of children and adolescents (Chile);
19. Repeal or amend the Internal Security Act so as to abolish all forms of administrative detention (Canada); abrogate or amend the Internal Security Act and all legislation allowing for detention without trial (Spain); review the Internal Security Act of 1982 in order to bring it into line with international standards (Slovakia);
20. Repeal or amend the section of the Penal Code which provides for criminal sanctions against "carnal intercourse against the order of nature" and may thus be applied to criminalize sexual activity between consenting adults, so as to ensure that it does not discriminate against lesbians, gays, bisexuals and transsexuals (Netherlands); decriminalize sexual activity between consenting adults and bring its legislation into conformity with international human rights standards by repealing legislative provisions which criminalise "carnal intercourse against the order of nature" or other sexual activity between consenting adults (Canada); abrogate or amend section 377 of the Penal Code to guarantee non-discrimination on the grounds of sexual orientation or gender identity (Spain); amend section 377 of the Penal Code in order to decriminalize consensual sexual activity among persons of the same sex (Sweden);
21. End censorship of the media and ensure full freedom of expression (Sweden);
22. Amend its press-related legislation to comply with the international standards to eliminate the censorship of the printed media through annual licensing (Slovakia);
23. Repeal or amend the Sedition Act and the Newspaper Act 1958 to ensure that they conform with international human rights standards, including by guaranteeing the right to freedom of expression (Canada); consider revising the Sedition Act and the Newspaper Act

to ensure that they conform with international human rights standards (Slovenia); offer guarantees for the respect of civil and political rights, specifically abrogating or amending the Sedition Act and the Newspaper Act of 1958 in order to ensure compatibility with international standards and to ensure respect for freedom of expression (Spain); consider reviewing the Sedition Act (Italy); amend the Newspaper Act of 1958 to ensure that it respects and protects the right to freedom of expression in accordance with international standards (Norway); rescind the Sedition Act and the Newspaper Act and bring its laws and practices regarding freedom of the media and freedom of speech into line with the Universal Declaration on Human Rights (United States);

24. Halt prosecutions of individuals for possessing “seditious” material critical of the State and the royal family (United States);
25. Cease restricting media outlets from printing opinions critical of the Government of Brunei Darussalam in line with the right to freedom of expression (United States);
26. Give an opportunity to newspapers whose permits have been rejected to appeal the decision to a third party (Norway); establish an open and transparent licensing process for newspapers that is subject to independent review (United States);
27. Repeal or amend the Societies Order to ensure that it does not violate the right to peaceful association or assembly (Canada).

91. Brunei Darussalam notes the following recommendations and will provide appropriate responses in due time. The responses will be included in the outcome report to be adopted by the Human Rights Council at its thirteenth session:

1. Consider ratification of core international human rights instruments to which it is not yet a party, such as ICCPR and ICESCR (Philippines);
2. Consider acceding to the main human rights instruments, including ICCPR, ICESCR and CAT (Portugal); consider accession to ICCPR, ICESCR, CAT and other core human rights treaties (Australia);
3. Consider signing/acceding to the main international human rights instruments, including ICCPR, ICESCR, ICERD and ICRMW (Nigeria);
4. Consider signing or ratifying, as appropriate, the following international human rights instruments: ICCPR, ICESCR and ICERD (Chile); consider an early ratification of ICCPR, ICERD and ICESCR (Slovakia); Encourage it to sign and ratify ICERD and OP-CRC-AC (Spain);
5. Consider the possibility of acceding to ICRMW(Algeria);
6. Remove its reservations to CRC and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Netherlands); consider re-examining its reservations to CRC and CEDAW with a view to withdrawing them (Brazil); lift its reservations to articles 9 and 29 of CEDAW and its reservation to CRC (Canada);

7. Withdraw its reservations to CEDAW and CRC (Slovakia);
8. Withdraw its reservations to CRC and CEDAW that are contrary to their objective and scope (Slovenia);
9. Adopt measures for full implementation of the principles of CEDAW and eliminate its reservations to this instrument so that it can be better implemented (Mexico);
10. Undertake a comprehensive study on the feasibility and relevance of establishing a national human rights institution in conformity with the Paris Principles (Malaysia); consider the establishment of an independent national human rights institution in conformity with the Paris Principles (Egypt);
11. Provide for training of members of the legal profession to be gender-sensitive and work towards mobilization of religious leaders to support such efforts (Germany);
12. Extend an open and permanent invitation to the United Nations human rights special procedures mandate-holders (Chile); consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia); substantiate its willingness to cooperate with the special procedures of the Human Rights Council by issuing them with a standing invitation (New Zealand);
13. Take a human rights approach to issues of race, citizenship and religion to foster an inclusive society in which all are equally protected (United Kingdom);
14. Consider favourably reviewing its national legislation to prevent victims of trafficking in persons from being punished (Mexico);
15. Raise the minimum age of criminal responsibility (Brazil, Belarus); raise the age of criminal responsibility for minors (Argentina);
16. Raise the minimum age of criminal responsibility to an age in accordance with CRC (Portugal);
17. Remove restrictions on religious freedoms (Canada);
18. Lift the ban on the importation of religious teaching materials and scriptures in order to enhance and protect freedom of religion and worship (Italy);
19. Permit members of all religious groups to practice their beliefs freely and allow members of other religious minorities to import scriptures, proselytize, establish new places of worship and instruct their believers, in line with the right to freedom of religion (United States);
20. Allow individuals to peacefully exercise their right to freedom of expression (United States);

21. Ensure that the procedures governing registration of civil society organizations are transparent, non-discriminatory, expeditious and inexpensive and that they allow for the possibility of appeal, avoid requiring re-registration and are in conformity with international human rights standards (Norway); remove the requirement for civil society organizations to provide a complete list of the organization's members to the Government (Norway);
 22. Take effective measures to guarantee respect for the rights of migrant workers (Algeria);
 23. Seek to better enforce statutes protecting immigrant workers from exploitation and mistreatment (United States);
 24. Reconsider the practice of confiscating the passports of migrants who bring to the courts a dispute with their employers, or consider an emergency judicial procedure which makes it possible to fully guarantee the rights of migrant workers on its territory (France);
 25. Pursue plans to develop civil rights and citizens' political engagement, drawing inter alia on traditions of grassroots consultation in Brunei Darussalam, with a clearer timetable for development of the Legislative Council, leading to the creation of a more effective mechanism for executive accountability (United Kingdom).
92. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

COMPOSITION OF THE DELEGATION

The delegation of Brunei Darussalam was headed by H.E. Mr. Pehin Dato Lim Jock Seng, Minister of Foreign Affairs and Trade II and composed of 15 members:

HRH Princess Hjh Muta-Wakillah Hayatul Bolkiah, Counsel, Attorney General's Chambers;

His Excellency Janin Erih, Permanent Representative of Brunei Darussalam to the United Nations Office and Other International Organizations in Geneva;

Mr. Abdul Aziz OKML Yussof, Permanent Secretary, Prime Minister's Office;

Mr. Erywan Pehin Yusof, Permanent Secretary, Ministry of Foreign Affairs and Trade;

Mrs. Datin Apsah Abdul Majid, Permanent Secretary, Ministry of Education;

Ms. Mansurah Izzul Bolkiah, Research Officer, Ministry of Foreign Affairs and Trade;

Mr. Dato Seri Setia Hj Tassim Hj Akim, Director, Islamic Legal Unit, Ministry of Religious Affairs;

Ms. Rosliah Hasbollah, Commissioner, Department of Labour, Ministry of Home Affairs;

Mrs. Datin Adina Othman, Director, Department of Community Development, Ministry of Culture, Youth and Sports;

Ms. Florence Chong, Acting Director, Department of International Organisations, Ministry of Foreign Affairs and Trade;

Mrs. Siti Norishan Abdul Ghafor, Deputy Senior Counsel, Attorney General's Chambers;

Mr. Ahmaddin Abdul Rahman, Deputy Director, Department of Immigration and National Registration, Ministry of Home Affairs;

Ms. Rooslina Weti Kamaludin, Acting Deputy Director, Department of International Organisations, Ministry of Foreign Affairs and Trade;

Mrs. Elma Darlini Sulaiman, Counsel, Attorney General's Chambers;

Ms. Akustina DP Dr. Hj Morni, Second Secretary, Permanent Mission of Brunei Darussalam to the United Nations Office and Other International Organizations in Geneva.
